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## THE LEAGUE'S BUSINESS

**Committee on Government of Metropolitan Areas.**—The committee on the government of metropolitan areas, authorized by resolution passed at the annual meeting last November, has been organized with Dean Frank H. Sommer of the New York University Law School as chairman and Dr. Paul Studensky of the New Jersey State Chamber of Commerce as secretary. The following persons have accepted membership on the committee:

Dr. Lent D. Upson, Director of the Detroit Bureau of Governmental Research  
C. A. Dykstra, Secretary, Los Angeles City Club  
Mayo Fesler, Director of the Citizens' League of Cleveland  
Fred P. Gruenberg, Philadelphia  
George H. McCaffrey, Secretary of the Boston Good Government Association  
Hon. Arthur E. Nelson, Mayor of St. Paul  
Harris S. Keeler, Director of Chicago Bureau of Public Efficiency  
Morris Knowles, Pittsburgh, Pa.  
Professor S. Gale Lowrie, University of Cincinnati  
C. C. Ludwig, President, City Club of Portland, Ore.  
Hugh K. Wagner, President, Greater St. Louis Conference

The committee is anxious to know about all the studies which have been made or articles published on the local government of areas containing large cities. If you know of any such which may have escaped the attention of the committee they will appreciate being advised of them.



**New County Government Pamphlets.**—The League is distributing this month several thousand copies of a pamphlet by Herbert Quick entitled "A New Kind of County Government." It is composed of excerpts from articles which have appeared in the *Country Gentleman* and is being sent to farmers, members of the Grange, county agricultural agents and others throughout the United States. We are also distributing this month a pamphlet by Richard S. Childs entitled "A County Manager Plan," which explains in succinct manner the advantages of the county manager idea. The latter booklet is particularly valuable because of its description of the various home rule county manager charters which have been voted upon by the people. It is being mailed out with the pamphlet prepared by Mr. Quick. If you want copies let us know.



**News Service for Teachers.**—The League has completed arrangements by which teachers of government in universities and colleges will receive all copies of press releases and special pamphlets and reports published by the League. Indications are that this service will be appreciated by the teachers who will thus be enabled to keep up to date on the more important phases of local government.

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## COMMENT

**Three Large Cities Voting on Manager Plan** Three cities with a total population of more than one million are voting on the adoption of the city manager plan. Kansas City, Mo., voted on a home rule manager charter on February 24. We go to press too early to announce the results. Seattle will vote on the question on March 10, and Minneapolis will pass upon her proposed manager charter in June.



**Absentee Voting Unconstitutional**

The Pennsylvania Supreme Court has declared that the absentee voting act of 1923 is unconstitutional. The provision of the state constitution providing that the voter must have resided at least two months in the election district "where he shall offer to vote" was interpreted as requiring personal appearance at the district polls.

It is said that more than forty states now have absentee voting laws. Missouri and North Carolina have sustained such laws in the face of constitutional provisions similar to that upon which the Pennsylvania law was wrecked.

**The Public's Representation in Rate Cases**

Who should be permitted to represent the public in utility rate cases? This question has been raised in acute form by the recent decision of the United States circuit court in the Denver Tramways Case. In this decision the court held that a six cent fare, permitted by the indeterminate ordinance under which the company had been operating, was confiscatory, and that earlier franchises had given the company perpetual rights in the streets of the city. More important, however, was the action of the judge in excluding all testimony offered by Delos F. Wilcox, the city's consultant, on the ground that he was not qualified as an expert. In one sentence, the court, ignoring the impressive recital of utility cases in which Dr. Wilcox has figured, explains that he is not an engineer, that he has had no practical experience with street railways or any other industrial plant, never having been "in their employ in any capacity." It was, therefore, an error in law to permit him to testify at all. The evidence excluded was designed to show that the cost of capital under the valuation allowed by the master was three or four times that of

other cities. Specific evidence relating to accrued depreciation based on experience elsewhere was likewise excluded.

On the other hand, the testimony on valuation offered by the two company representatives, who were "thoroughly competent, trained and experienced engineers" and who had seen service with J. G. White and Company, the Philadelphia Rapid Transit Company and others, was accepted. Dr. Wilcox's estimate placed the valuation of the system at \$9,000,000; depreciation being figured on the straight-line basis. The court, following the engineers whom it had commended in glowing terms, fixed the valuation at more than \$23,000,000; depreciation, arrived at by inspection, amounting to less than one third that estimated by Dr. Wilcox. It may be added that Dr. Milo R. Maltbie, whose capacity as an expert was not questioned, was prevented from testifying as to the correct theory of depreciation and the weight to be given the various price bases on the ground that these were questions of law for the court to decide.

Irrespective of the question of justice or injustice worked to one man (the Minneapolis street railway company is seeking to have Dr. Wilcox's carefully prepared testimony excluded from the pending case in that city on the same grounds as in Colorado), there is here raised a serious question as to what sort of representation is to be allowed the public in disputes with the utilities. If the city's representative must be an engineer who has been an employee of utility companies, the talent upon which the public can draw is severely limited. The time may come when engineering attains the dignity of a profession by exalting public service; but if the other qualification, past employment by a utility, holds, the cities will soon find it difficult to secure sympathetic and enthusiastic counsel. Herein

lies the real menace of the Denver decision. Is it to come about that we must seek advice only from those who, by education and business relations, are generally partisans of private utilities?

\*

Philadelphia  
Considering  
Permanent  
Registration

In company with a  
number of other  
cities, Philadelphia  
is studying the ad-

vantages and disadvantages of a system of permanent registration for elections similar to that which has been adopted recently in three leading cities of Minnesota.<sup>1</sup> However it is not necessary to be an advocate of permanent registration to realize that the present system in Philadelphia can be improved. According to the last annual report of the registration commission, the citizen there encounters cruel and unusual difficulties when he tries to vote, difficulties arising from the complexity of the registration system and the incompetency of those who administer it.

Personal registration before election is in Philadelphia, as in many other cities, a prerequisite to voting. The constitution of Pennsylvania requires that each person shall pay a state or county tax before he votes, which tax shall have been assessed at least two months and paid at least one month before election. A special assessor is elected in each election district (1471 in all) who receives \$82.50 per annum and who prepares the assessment list. These election assessors must be distinguished from the assessors who appraise real estate for tax purposes. No person can register who does not appear on an assessment list and who is unable to present a tax receipt to the

<sup>1</sup>See NATIONAL MUNICIPAL REVIEW for September, 1924.

registration board. The registration commission complains that the assessors do their work poorly and that due to their negligence many qualified voters are omitted from the lists.

Certainly we have here a piece of useless machinery which, however commendable the principle that no one should vote who does not pay taxes, imposes a foolish burden upon the average voter which is no burden at all to the blind voters marshalled by the machine.

The commission makes two recommendations: First, that election assessors be appointed instead of elected; second, that the voting prerequisite of payment of a state or county tax be abolished. The latter can be accomplished only by constitutional amendment and would seem to render the assessors unnecessary. The whole process is antiquated. The tax payment qualification is now satisfied by payment of a poll or an occupation tax and means nothing in practice. It only makes it more difficult and troublesome to cast a ballot. Other means can be applied which more effectively protect against fraud without stifling so greatly the impulse to vote.

The citizens of Philadelphia are honestly entitled to relief.

✱

**What We Are Spending For Highways**      The United States is spending more than a billion dollars a year on rural highways alone, according to Henry R. Trumbower, economist of the federal bureau of public roads, writing in a recent issue of *Public Works*. Of this amount more than 60 per cent is spent for construction, and 25 per cent for maintenance. Ten per cent goes toward debt service, and less than 5 per cent for purchase and repair of machinery and equipment. The last available figures showing how the funds

were raised to meet these expenditures are for 1921 and are as follows:

Bonds.....	\$438,000,000	
Federal Aid and Forest Road Aid.....		79,300,000
Motor Vehicle Revenues:		
License fees...	\$119,000,000	
Gasoline taxes.	3,600,000	112,600,000
General property taxes.....		415,600,000
Other sources.....		93,600,000
Total.....	\$1,149,100,000	

It thus appears that almost 40 per cent of the money is raised from bond issues. The rest may be said to come from taxes, inasmuch as the national excise tax on automobiles and equipment amounts to more than the federal aid extended to the states. Between 1921 and 1924 the amount of federal aid granted the states for roadwork increased about 33½ per cent; and excise taxes collected from motor vehicles increased about in the same proportion.

With respect to rural highways, it thus appears that automobile owners and users pay each year through taxation all expenses of maintenance and debt service, and more than half the cost of new construction. During recent years there has been a marked increase in revenue from motor vehicle taxation without a similar increase in highway expenditures; and this means that there has been a corresponding decrease in the amounts provided from general taxes and bond issues.

In other words, those who use and enjoy the automobile are paying a larger share of road costs than they did formerly, and more than many people assume.

But these payments go for rural highways. Who pays for the increased costs of building and maintaining city streets? Do those who enjoy the improved streets and boulevards

pay in proportion to their use of them? The statistics are few, but the answer is distinctly *no*. Only nine states permit municipalities to levy taxes upon privately owned and operated motor vehicles. Of course many cities levy license fees upon buses, taxicabs, etc., but in the aggregate such receipts amount to very little. In some cases the cities share in the proceeds of state taxes returned to the counties, but again this does not amount to much. For the most part streets are paved by special assessments and are maintained by general taxation.

Cities are more and more claiming the right to a share of the taxes collected by the state from automobile owners and it is probable that in the future such owners will be more heavily taxed. The motor car will have to be more common than it is to-day if the public is to consider that wide, fine, hard highways are not in considerable part a special service to automobilists.



#### Detroit's Sinking Fund Analyzed.

The Detroit Bureau  
of Governmental  
Research has made

an exhaustive report to the city controller upon the condition of the city's general sinking fund. The report brings out the fact that the gross city debt is \$156,000,000, of which \$93,000,000 were represented by serial bonds and \$63,000,000 were in the form of term bonds. Of the present total tax budget, 18.6 per cent is required for debt retirement and interest, which in

comparison with the burdens of other large cities, especially those in Ohio, is light.

The investigation into the adequacy of existing sinking funds reveals the fact that, according to the method of computation provided in the Detroit charter, there is a deficit in the general fund of more than a million dollars; but if the computation is on an actuarial basis, assuming an earning rate of four per cent, there is a net surplus of \$437,000.

This situation again illustrates the impossibility of establishing automatic legal provisions designed to guarantee payments to the sinking funds in accordance with actuarial requirements. The Detroit charter lays down the rule that, regardless of the life of the bonds, a total of 75 per cent of the face of the bonds must be placed in the sinking fund during the term of the issue. On the basis of a four per cent earning power this procedure results in a deficit in the case of bonds of less than 15 years' life, but for bonds of over 15 years' life it results in a surplus. The report, therefore, proposes a charter amendment which will place sinking fund contributions on an actuarial basis. The serial bond plan, however, is preferred to the sinking fund system, and in this most students of public finance will join.

An interesting item is that the street railway commission, following the charter provision, is building up out of earnings a larger surplus than is really required by actuarial computations.

## AN EXAMPLE OF MUNICIPAL REPORTING

*Read this as an example of what not to do in a municipal report and to find out wherein lies the romance of a policeman's life. Surely he has earned a night's repose when he has answered emergency calls like the following: "Baby—left on porch; bed—fell down; puppies—under house; fight—dog and setting hen." Who wouldn't be a policeman?*

TABLE 14—SHOWING REASONS GIVEN FOR 1,384  
EMERGENCY CALLS IN 7 MONTHS, OCTOBER 1,  
1923, TO APRIL 30, 1924

<i>Reason Given for Call</i>	<i>No. of Calls</i>
Asphyxiated—Gas.....	2
Autos—Abandoned, 7; hit by, 4; parked overtime, 11; running without driver, 1; stolen, 3.....	26
Baby—Left on porch.....	1
Bed—Fell down.....	1
Begging.....	7
Boys—Air gun shooting, 1; bad, 8; beating girl, 1; bonfire in street, 1; breaking windows, 1; destroying empty house, 2; drunk, 1; fighting, 2; gasoline and fire, 1; "hooking" to autos, 1; playing ball, 4; playing with electric wire, 1; prowling, 1; purse grabbing, 1; runaway, 1; shooting, 4; snowballing, 3; stealing, 8; step-mother beating, 1; teasing child, 1; teasing dog, 1; toy-gun, 2; throwing glass in street, 1; throwing rocks, 8.....	56
Burglars—Actual and suspects.....	66
Cats—On top house, 1; sick, 2; yowling, 1 (1 cat killed).....	4
Checks—Bad.....	5
Chickens—At large, 11; stealing, 1.....	12
Children—Girl being enticed away, 1; hit by auto, 1; too noisy, 1.....	3
Cows—Leg broken, 1; sick, 1 (1 cow killed).....	2
Crazy—Girls, 4; men, 8.....	12
Dance—Evidence of whisky sales.....	1
Disputes—Over auto, 1; gas bill, 1; goods delivered, 1; rent, 2.....	5
Dogs—Crippled, 14; fighting, 3; fit, 1; howling, 2; lost, 2; mad, 30; puppies under house, 1; sick, 20; vicious, 48; (29 dogs were killed).....	121
Doors open—At stores.....	7
Driveways blocked.....	2
Drunks.....	128

<i>Reason Given for Call</i>	<i>No. of Calls</i>
Explosion—Gas stove.....	1
Family fusses—Beating family, 6; quarreling, 56; whipping wife, 8.....	70
Fights—Man and woman, 1; dog and setting hen, 1; men, 91, women, 7.....	100
Fire—Boys' bonfire, 1; house, 1; sparks flying on building, 1.....	3
Found—Baby body, 1; boy, 1; skull, 1.....	3
Gambling.....	6
Gasoline—Auto out of.....	1
Horn—Auto honking.....	1
Horses—Sick (1 horse killed).....	4
Hotel—Unpaid bill.....	1
"Jelly Beans"—Annoying.....	5
Kidnapping.....	1
Lewd conduct.....	18
Light out—On street.....	1
Liquor—Told where located, 1; in auto, 1.....	2
Loafers—Negroes.....	1
Lost—Baby, 2; children, 10; husband, 1; man, 1; money, 3; papers, 1; ring, 1.....	19
Men—Dead, 2; gun play, 1; head cut, 2; sick, 3; unconscious, 1; whipping divorced wife, 1.....	10
Mule—Bad.....	1
Music—Too loud.....	2
Order—To maintain at football game.....	1
Parking wrong.....	1
Party—Wild.....	34
Peace—Disturbing.....	48
Peddler.....	1
"Peeping Tom".....	1
"Petting Party".....	1
Prowlers.....	184
Rape—Attempt.....	3
Rat—Dragging trap.....	1
Robbery—Actual and suspects.....	133
Safe—Found open.....	1
Sidewalk—Coasting on.....	1
Shooting—Actual and suspects.....	33
Shot—Man.....	1
Shoplifter.....	1

<i>Reason Given for Call</i>	<i>No. of Calls</i>	<i>Reason Given for Call</i>	<i>No. of Calls</i>
Snake—Dead.....	1	Whisky—In auto.....	1
Speeders—In auto.....	1	Window—Broke.....	1
"Spoonng".....	1	Wires—Electric down.....	1
Stabbing.....	1	Women—Auto wreck, 1; beaten in auto, 2; fainted, 1; found tied, 1; jumped from auto, screaming, 1; scared, 3; without food, 1.....	10
Streets—Blocking.....	7	Wrecks—Auto.....	98
Suicide—Attempt.....	1		
Tent—Hid view of street crossing.....	1		
Thieves—Actual and suspects.....	68		
Unidentified.....	35		
Water pipe—Broken.....	1	Total.....	1,384

## NORFOLK'S \$600,000 MUNICIPAL MARKET BUILDING

BY BENJ. F. MITCHELL

*Architect, Norfolk, Virginia*

*A sanitary municipal market, financially successful, which was designed and is operated as a civic monument. :: :: :: ::*

THE modern municipal market building is but a logical product of the more enlightened standards and attitude of the modern community. Discriminating housewives and public caterers manifest increasing intolerance towards the usual type of community market accommodations which have been perpetuated up to very recent years. This familiar type of market, with its usual open or closed sheds, wood fittings, insanitary floors, and its heterogeneous collection of ice boxes, counters and show cases arranged according to the tastes, wares and limitations of the butcher and huckster, has outlived its usefulness and can no longer meet the ideas and requisites of food buyers and consumers. Such markets have not kept pace with the progress made in the methods of preparation of food products, both as to the processes of manufacture and facilities for prehandling. In general they are unwholesome and unsightly and subject to the contamination of

street dust, flies, rats, decay and soiling of fixtures and constituent fittings, together with other conditions that make for difficulty in keeping food in a proper manner. The Municipal Market, recently completed for the city of Norfolk, Va., was conceived and designed to obviate, as far as possible, these usual unsatisfactory conditions and to make attractive and visually sanitary the facilities for displaying and merchandising food products. These practical ideals of the community are epitomized in the legend that is inscribed above the monumental windows of the building that translates, into reality, the implied promise:

"That pure food may be kept in the best manner and sold at a fair price this building is erected by the City of Norfolk."

### DETERMINATION OF THE SITE

The site for the new building is the same as that of the old market. Con-

siderable opposition was voiced by individuals and groups as to this location. The theories advanced were that the market site should follow the geographical trend of general business, on the one hand, and that a public market should be near the geographical center of population, on the other. Pains-taking analysis of the problem, corroborated by the expert evidence of the United States bureau of markets, however, determined the best location to be that nearest the transportation center, and this choice has been vindicated by actual results. The plot, an irregular parallelogram with an average width of 133 feet and average length of 240 feet, is bounded by streets on all four sides. With consideration to the relative importance of the four streets as arteries of transportation, one of the streets is exclusively devoted to the service features and approach, and the public entrances are allocated to the other three streets in such an arrangement in plan as adequately to distribute the ingress and egress.

#### HOW THE SPACE IS DIVIDED

The physical features for occupancy and service, as determined by appropriate study of possible requirements, are resolved into fifty-six refrigerated stalls, forty fruit and vegetable stalls, sixteen fish stalls, cold storage department, rooms and platforms for receiving and delivery, and certain auxiliary service rooms. These features are allocated to three general groups and the building is correspondingly divided into three general sections. The largest section consists of a main hall, which is entirely devoted to all food products except fish. The other public section is the fish market, which is located in one corner of the building, with separate entrance to a principal street and also door connection to main portion of market in such a way as to

provide the desired isolation and yet have ready accessibility. The third section is the service section and embraces delivery room and platform, machinery rooms, heating and ventilating equipment, elevators, incinerator, receiving room and platform, locker rooms, storage rooms, toilets, and about 9,000 square feet of subdivided cold storage space on two upper floors for the more permanent storage of tenant's supplies. An abattoir for the killing and dressing of chickens has been provided in this section and so equipped and finished that odors and steam do not get into the main market and that, in spite of the nature of this work, the abattoir itself can be kept reasonably clean and sanitary at all times. The toilet facilities are expanded to provide public comfort stations for both sexes, white and colored, and are so arranged as to make them accessible after the market is closed.

The principal market section is planned with stall sections eight feet deep against the side walls in the low ceiling areas and with the central high ceiling area divided into islands about 23 by 32 feet in size, separated by aisles varying from 6 to 8 feet in width. The islands and side stall sections are separated from the aisles by walls of buff colored glazed brick up to counter height and finished at the floor, which is of promenade tile of warm gray tone with a flush coved base. Each island is designed as a four stall unit, with a four compartment refrigerator placed in center of same. Each refrigerator compartment is about  $4\frac{1}{2}$  by 9 feet. The aisle perimeter of each island is finished at the counter level with refrigerated show cases at the ends and display and service counters at the sides. All counters and show cases holding food products are glass enclosed and tops are of white glass. Details of show cases vary with the requirements of stall

occupancy, but are uniform in general characteristics and appearance. Vegetable and fruit stalls along the side walls have a narrow counter of white glass above the glazed brick barrier and behind this is a wide oak display counter, separated from the wall shelving by an adequate walkway for the tenant merchant. No merchandise display is allowed to project into the aisle areas and the merchants are required to sell their wares from behind the counters, thus giving the public the exclusive use of aisles and obviating the objectionable hawking in personal contact.

The fish market is planned and equipped in a similar manner with stalls of approximately 8 by 12 feet, and finished with refrigerated show cases, storage boxes and enameled fish cleaning slabs. All sewer, drainage, water and refrigerating pipes are carried in spacious tunnels below and all overhead obstructions are eliminated. Numerous water outlets and drains are provided for washing both aisles and stalls. The lighting scheme is designed to produce, as far as possible, the same relative light values and shadows as afforded by natural daylight and with a uniform diffusion throughout the building. Indirect lighting is employed exclusively. Exposed fixtures are used in the low ceilings of the side aisles of main market and in the fish market, while in the central section of main market flood lights grouped on top of the refrigerator elements are directed against the curved enameled ceiling 38 feet above the floor. The lighting effect, as produced, has proven eminently satisfactory in actual illuminating qualities for display of goods, and is quite restful to the eyes. A brine circulating system supplies the cold storage and refrigerator elements and is operated by a duplex plant of units.

#### FLY AND RAT PROOF

Power is purchased on the prime current plan and transformed in the building to 220 volts for small motors and 110 volts for lighting. Power is metered separately for the various electrical elements so as to determine the individual costs. The interior movement of supplies in the service section is facilitated without rehandling by overhead tracks and elevator between receiving platform and cold storage, with track scales at each terminal. It is believed that the building is rat proof except for such as might sneak through an open doorway along with the entrance of some person. The ever difficult fly problem has been satisfactorily met by a carefully studied scheme of screening of openings and the installation of revolving blade fans in the ceiling of each entrance vestibule which are only eight feet high. Flies do not seem disposed to venture under these air moving fixtures. In planning the building, the use of indestructible and fireproof materials was kept in the forefront in the consideration of each detail, and all dirt secreting nooks and projections were eliminated as far as practicable. The design, both interior and exterior is simple and dignified. Materials, surfaces and scale give it a character appropriate to its purpose and civic character. The exterior is of limestone and granite with bold symbolic ornamentation. Window frames, sash and doors, with few exceptions, are metal. The interior finish is largely broad surfaces of glazed brick walls of buff color enriched with linear bands of blue and buff terra cotta, which with the white enameled ceiling lends a warm cheerful tone. Public floors are in gray tile.

The Norfolk City Market is more or less monumental in character as befits its location and status with relation to the public spirit that made it possible

for the community, but at the same time it is essentially an utilitarian building of proven efficiency. Its standards for display and merchandising of food products, convenience to the public, economical maintenance of clean and sanitary conditions are of a high order. The conveniences and economy for the tenant merchants is a profitable and happy appeal to them.

From a financial standpoint the actual operation of more than a year has given corroboration to the original estimates through the success attained. The Norfolk market presents a practical example of a municipal market, built by the city, which meets the needs and tastes of the buying public, the requirements of market merchants and is financially self-paying.

## IMPROVING THE PETITION

BY BEN A. ARNESON

*Ohio Wesleyan University*

It may interest the average American citizen to learn that from four to five million signatures were attached to official petitions in the United States in the year 1922. Computations based on reliable figures show that over three million signatures were appended to initiative and referendum petitions alone in that year. In the same year, which was the year for general elections in most states, from 500,000 to 1,000,000 names were signed to petitions nominating candidates for state offices and as many more, perhaps, to the nominating petitions for county and municipal candidates, making altogether the surprising total of over four million signatures. Any agency which in a few months compels the performance of millions of political acts deserves the attention of public-minded citizens, even though it be admitted that each one of the political acts is a mere trifle when considered apart from the mass of which it is a small unit. In 1924 millions of signatures again appeared on petitions, for it is not unlikely that this year saw even more initiative and referendum petitions than 1922.

### IS THE PETITION MEANINGLESS?

In spite of the wide use of the petition as a political or governmental device, careful observers are very skeptical as to its usefulness, and to many it appears quite meaningless as an expression of public opinion. It is a well-known fact that a petition in the hands of a capable and popular circulator will be widely signed regardless of its contents or purpose. A petition asking that the most highly respected citizen of a community be sent to the penitentiary or that the worst reprobate in town be given a pension would, doubtless, receive many signatures if circulated by, or under the direction of, a person possessing elements of leadership. If volunteers are lacking, a corps of paid circulators can very soon garner a sufficient number of signatures. Indeed, there are said to be organizations in some states that make a business of procuring signatures. This does not necessarily mean that any dishonesty is practised. It means rather that the organization securing signatures has calculated, as a business proposition, just what it costs

to engage in such solicitation as is sufficient to bring in a given number of names. It may sound like political cynicism, but it is true, that if you wish to use the petition to get a proposition before the public, or to be nominated for office, all that is necessary is to be willing to put up a sum of money large enough to cover the cost. Not only does the petition constitute a ready weapon for those who have money to spend, but it lends itself very easily to abuse in the hands of organized interests, especially such interests as may have representatives in every nook and corner of the state.

If the petition as now used fails to function as an accurate reflection of public opinion, it does not follow that it should be abolished. It may have become so largely meaningless through abuse rather than through any inherent weakness. The right of petition has long been considered a sacred right. Some method of procuring signatures must be devised, however, which will give a name on the petition a greater significance than it now enjoys. If this is not done, the filing of a petition becomes a mere formality—a formality to be sure to which certain costs are attached, but nevertheless a formality of no significance as far as expression of public opinion is concerned. Some of the American states, realizing that signatures as now procured are practically devoid of significance, have made the requirements very low for nominating petitions. Tennessee requires only twenty-five signatures, Nevada ten, while in Ohio any voter may become a candidate at the primaries whose nomination papers contain but five signatures. No objection is heard to these low requirements, and it may be that this is the solution of the problem as far as nominations are concerned. In case too many candidates present themselves it might be

found advisable to inaugurate the British system of requiring a deposit, to be returned in case the candidate receives a certain proportion of the votes cast in the election.

#### THE I. R. AND R.

The situation in regard to the initiative, the referendum and the recall is somewhat different. Here the problem is manifestly more complicated. To allow the propagandist or the bitter critic of the administration to burden the electorate merely by the payment of a deposit would be most unfair, and besides some preliminary expression of public opinion, such as is afforded by the petition, when properly used, is essential as the initial step in direct legislation.

Suppose that a certain petition—with a pencil attached for the convenience of signers—is passed from hand to hand down each row of a filled auditorium after an appeal for signatures has been made by a persuasive speaker. Suppose, on the other hand, that the petition is not passed through the audience, but that the same speaker merely announces at the close of his plea for signatures that copies of the petition may be found at two or three designated places in the community where those who are interested may attach their signatures. There is no question, of course, but that the number of names secured by the first method will far outnumber those secured by the second. The list of names in the first case will in all probability be several times as long as those procured by the second method. In the second case only those who are interested enough to put forth at least a small amount of effort and to suffer a small amount of inconvenience become signers. In the first instance a large percentage of those signing do so without more than pass-

ing interest in the matter involved. A name procured by the second method has, consequently, a much greater significance than one secured as a result of hand-to-hand circulation. A list of names of those voluntarily making their appearance at the designated places where copies of the petition are found will indicate a much greater interest than a list of equal length secured under circumstances which cause little or no inconvenience to the signer, and the possibilities of fraud, which are always present when the petition is circulated, are greatly reduced when the second method is used.

#### A SUGGESTED PLAN

Why not substitute the plan of depositing the petitions in certain public places for the present plan of soliciting signatures by circulators, paid or voluntary? Let it be announced, officially, that on certain days all petitions, which would otherwise be circulated, will be on file at designated places in each precinct to receive signatures. Before such a method of handling petitions can be put into operation, several details would have to be worked out. One problem would involve the percentage of voters which should be required when the petition is not circulated. At first thought it might seem that the percentage required should be materially reduced because, obviously, the persons in a given precinct who will go to the petition are fewer than those who will readily

sign if it is placed in their hands. This is offset, in part at least, by the fact that under the proposed plan the petition is automatically placed in the hands of precinct officials in every part of the state. Besides, many friends of the initiative and referendum, believing that these agencies should function only in exceptional cases, have felt that the required percentage has been too low, especially when one realizes the extent to which petitions are thoughtlessly signed. If we leave the percentage requirements where they now are it might mean fewer successful petitions, but it would give the signatures real significance and would not interfere with the right of the voter to legislate directly in cases where the legislature may fail palpably to follow the wishes of the people. The changes here advocated do not apply to nominating petitions, for which the Ohio plan of requiring only a nominal list of signers seems more logical, but they might well be applied to the recall which should be restricted to such exceptional cases as will arouse sufficient interest to bring the voters to the designated places to sign the recall petition.

It seems reasonable to suppose that if the voter were compelled to put forth at least as much effort to sign a petition as he does to cast his vote, it would lead to a situation where the right of petition would have a real meaning and a list of names on a petition would be entitled to respectful consideration.

# COUNTY GOVERNMENT IN THE SOUTHWEST

ILLUSTRATED BY CENTRE COUNTY, OKLAHOMA

BY HARRY A. BARTH

*University of Oklahoma*

*Administration under a democratic people, honest and faithful, but unskilled and what yards of red tape! Another in our county government series.*

CENTRE County is one in which the people rule. Here no subtle, conscienceless gentleman pulls the wires behind the screens, and makes the wheels of state go round. No rampant boss tramples on the ideals for which our fathers fought and bled,—ideals of democracy and equality. Here is no boring from within,—no sabotage. For the people rule,—the farmers, the Rotarians, the Kiwani and the Lions, the railroad men, the small storekeepers, the teachers, the clergy,—all these, literally and undeniably, determine whom their representatives shall be and what they shall do. Democracy flourishes like a green bay tree, and it is undiluted democracy,—to the hilt, one hundred per cent, pure and undefiled.

## THE PEOPLE RULE

Even the county court house shows the hand of the common people. It is a cubical, squat building of red brick, topped by a small cupola. It is plain. No expensive gingerbread mars its walls. The only decoration is a statue at the peak of the cupola,—a statue of Justice. Nor is this Justice a lady who panders to the rich,—slight and slender and deceitful. She is a buxom lass, sturdy and straight. And her eyes are blindfolded, and in her hand she holds a pair of scales. Originally they bal-

anced, but now one side has been depressed by some freak wind. But the moral is none the less evident.

True to the spirit of Jacksonian democracy, the power of the county is split among thirteen elective officers,—three commissioners, a county judge, a county attorney, a sheriff, a county clerk, a court clerk, a county assessor, a county surveyor, a public weigher, a county superintendent of public instruction, and a county treasurer. The county commissioners are chosen in districts and this reduces to eleven the number of county officers whom any individual votes upon. But the burden upon the voter is still large. It is interesting to note that in Centre County there is some sentiment for having the people elect the president of the state university.

The county officers are quite representative of their rulers. The commissioners, in fact, all the officers, are good, respectable, law-abiding men and women. They are typical products of the mid-west prairie country. One would trust them to almost any degree. What mistakes they may make flow from a lack of understanding not dishonesty. They are not sophisticated. The average education probably does not extend past the curriculum of a country school. Yet one feels that the government could easily be in worse

hands. They are all kindly and go a great way to help people. They take their work very seriously. In fact, a definite pride in workmanship characterizes what they do.

The three commissioners are all farmers, as are most of the officials. Centre County is predominantly a farming community, with but a few small towns scattered in odd places. The towns are up and coming. Of course, the creed of the Rotary and kindred organizations has penetrated here and a definite urban spirit exists. This the farming group resents and a city "slicker" has small chance of ever holding a position in the county court house.

#### STATE CONTROL STRICT

The county carries on very limited activities and even these are rigorously controlled by a state law or a state official. Counties in Oklahoma are strictly the creatures of the legislature which has given a code of directions covering almost every function performed. These instructions are carried out with great exactitude by the county officers who show a surprisingly detailed knowledge of the law of their offices. When they are asked why they do a peculiarly stupid thing or do a job in a peculiarly roundabout fashion, a never failing answer is that the law prescribes it. Nor are they critical of the law. There is still a very wholesome though quaint respect for the law in the plains country.

The activities actually carried on include collection of taxes, recording property ownership, building and maintaining bridges, highways and drainage districts, supervision of the school districts, administering justice, maintaining a jail, charity administration, and agricultural betterment through farm demonstrations, exhibitions and eradication of pests.

The collection of taxes is one of the chief functions. The general property tax is still partly used to maintain the state government in Oklahoma though there is an income tax. The county acts as agent for the property tax, assessing and collecting the funds, and then distributing them to the state, to the school districts, and to the other governmental agencies. The assessment is quite bad,—throwing the burden on the urban areas,—and the chamber of commerce of the county seat is beginning a campaign for a better distribution of the tax levy.

A peculiarly vicious feature of the tax law provides for interest at 18 per cent on all taxes overdue. Centre County is hit at periodic intervals by bad times. Many of the farmers are always on the verge of bankruptcy. Much depends on the weather and upon pests which are especially virulent. As a result the farmers often simply can't pay the taxes on time. Interest at 18 per cent merely hastens the day of tenant farming.

Property ownership is recorded very meticulously in conformance with a state law.

#### COUNTY FUNCTIONS

Roads, bridges and drainage districts are built under contract with private firms. Letting of bids is carefully governed by a state law. The general opinion is that contracts are invariably let to the lowest responsible bidder. Even defeated candidates for office grant this much to the group in power.

The curse of small school districts rests heavily on Centre County. There are just seventy-one independent school districts under a mild type of control from an elected superintendent. Education cannot be on a high plane with a handicap of this nature.

Charity is quite an expensive proposition. The people are generous and

poor. There are many widows and indigent persons. Some are kept in the poor farm. More are maintained in their own homes through monthly subsidies. An attempt is made to keep families together. Mothers receive checks which vary in size with the number of children. One cannot say that the work is scientific. It is haphazard and sloppy and kind.

All claims are paid through the county commission. In fact, approval of claims constitutes the chief work of the commissioners. Only rarely are claims disallowed. The chief concern of the commission is to prevent the allowance of two claims for the same work. Often a claim is not acted upon for a month or two and a second bill is rendered. The commissioners act to prevent payment of both. Occasionally though, a bill is actually reduced.

That administration reflects the character and ability of the men who govern is elemental. Centre County would serve admirably as *exhibit number one* in proving this thesis. The entire administration shows the hand of the amateur. Nowhere, however, is it as evident as in the accounting system. This is almost grotesque in its clumsiness and rigidity. It is true that the system is prescribed by state law, and that even an expert accountant would have difficulty in evading the law and making the system sensible. But much could be done. As a matter of fact, the laws are followed to the last limit, blindly and unreasoningly.

#### HOW CLAIMS ARE HANDLED—A LONG RITUAL

Every claim on the state is handled at least a dozen times before final payment. Some county officer first receives the bill and approves it. The county clerk then is given the bill. He registers it in a *Claims Register* according to every conceivable heading,—the

number of the claim, the date, the claimant, the object of expenditure, the appropriation from which it is payable, the amount claimed, the amount disallowed, the amount allowed, the date of action, the warrant number and the fund from which it is payable. The bill then goes to the county commissioners. The three commissioners seat themselves around a table and proceed to take up each bill carefully. They hand the bill around and between squirts of tobacco juice give their opinion. Invariably it is affirmative, but the procedure is gone through with great solemnity and with a show of judicial attitude. After approval, the claim goes back to the county clerk who enters it in a book which duplicates the *Claims Register* almost exactly. The clerk, therefore, has two bulky volumes containing the same information. He then writes a check, signs it, and sends it in to the county treasurer whose office is across the hall.

The clerk is not yet ready to let the claim lie, however, for he has one more large book in which the identification of the claim must be written. This is the *Appropriation Ledger*, showing the amount of the appropriation against which the claim has been drawn and the detailed description of the claim.

In the treasurer's office is where the real drama unfolds. The procedure up to this point was merely the prologue. First the check is registered in the register of the fund from which it is payable. These fund registers parallel the information in the county clerk's three volumes. One would think that with four records under one roof the information would be complete. It is next registered in the ledger of the fund,—almost a duplication of the four books already described. The sixth book which contains the identical

information is the *County Treasurer's Warrant Payment Register*. After registration here, the check finally speeds on its way.

But the registration is not yet complete, for valuable information regarding the check will appear in three distinct and separate reports. First, there is the report to the state examiner, made monthly, then there is the daily report to the county clerk across the hall. To cap the affair, if the expenditure has been made by a local agency, the school district, for example, a report will go to this agency also.

The check receives its final handling when it is returned from the bank, cancelled, and deposited in the county vault.

Such is the history of every claim. It is really quite an ordeal, but when it is over, the people of the county have the satisfaction of finding out about the claim in at least six huge volumes, three reports, and in the cancelled claim and cancelled warrant, also. This is "red tape" in its native *habitat*.

By making duplicate copies of the claims and warrants, and by recording each claim once in a modern loose-leaf ledger, the work of the accounting departments could be reduced ten times. Of course, it won't be. That would be to belie the democratic tradition,—to substitute experts for amateurs, intelligence for ignorance.

#### RED TAPE SURROUNDING TAX RECEIPTS

On the revenue side, the accounting system is quite as complex. Three copies are made of the tax receipts and the person paying the tax is given two, one of which he is told to give to the county clerk. The treasurer keeps one copy. He records this in three places. First on the *Tax Roll*, a gargantuan volume containing the name of every property owner, a description of the

property, the amount of the taxes for each agency, county, state, school, city, etc., the penalty, number of the receipt, the date of payment, by whom paid, and other incidental information. Then the receipt is registered in much the same way in the *Collection and Distribution Record* (list of receipts). It is also recorded in the proper fund ledger. The county clerk also keeps a record of the receipts as a check on the treasurer.

This description of the accounting system really does not do justice to its complexity. I doubt whether it is possible to understand its delightful, its amazing bulkiness, without a first hand study. There are at least half a dozen records which I have not described.

Nor does the system furnish clearly the information which should be had regarding the county finance. No doubt, from the records, one can make a statement of the county which is accurate. To do this, however, requires a great deal of time and patience. Facts have to be assembled from a dozen sources. The object of an accounting system is to give the information that is wanted when one wants it. An accountant with a great deal of experience in municipal accounting compares making an audit of an Oklahoma county with assembling the parts of a Ford car.

The county has what passes as a budget system. This is because of the insistence of the state examiner who exercises a mild supervision over the counties, and who enforces a state law on the subject. Uniform blanks are prescribed by the state for all the counties. Here is provided space for a report of expenditures and of estimates. The form could stand improvement. Current and capital expenses are confused as are function and object of expenditure. However, the form is

probably the best feature of the accounting system.

The official budget agency is the county excise board composed of most of the elected officers,—the clerk, attorney, treasurer, judge, superintendent, assessor and one commissioner. It goes over the estimates of all spending agencies in the county, including the cities. The board is made up of farmers and they seem to delight in reducing the estimates of the urban areas. Meddling with city affairs is probably one of the keenest indoor sports in which farmers participate and the Oklahoma system of excise boards is admirably adapted for their needs.

#### WHY DOES IT WORK AT ALL?

What amazes one most about the administrative system of Centre County is that it works at all. Why it does is a constant source of wonder to investigators. It is monumental and miraculous and passes human understanding. Probably the slightest additional work would cause it to topple over.

What surprises one even more is that

people can work with a system of this kind day after day and still look upon it with pride, as, of course, they do. The attitude of the officials is simply uncritical. A government accounting system is a mystery into whose processes it would be unholy to inquire. And so they go on day after day, doing things in the most complex manner, and doing it withal in a manner most reverential. Huge books, good, solid, heavy books are toted about with the greatest devotion. Awe inspires every step through which a voucher goes. There is never the slightest departure from tradition. But of course one must treat holy things with due respect.

Possibly the system was designed to furnish work for clerks. Probably not. That would ascribe too much ingenuity to the inventors. It is merely the product of dull plodding minds. The hand of democracy runs through every cog in the administration. There are no short cuts, no clever methods. Everything is obvious and commonplace. Our administrative systems are probably the greatest monument to the tyranny of the mediocre man.

# RECREATION IN SMALL TOWNS

BY WEAVER PANGBURN

*Playground and Recreation Association of America*

*Organized recreation has been found a good investment in small towns of 2,500 population and less. It is supported by taxes and contributions. :: :: :: :: :: :: :: :: :: ::*

OF 19,000 and more inquiries on public recreation received by the Playground and Recreation Association of America in 1924, one-third came from communities of 2,500 population or less.

That such places are more alive to the necessity of planning for recreation than ever before is clear, but anything like complete statistics on the number of parks, playgrounds and other recreation facilities established as a result of this interest are unavailable. This article, therefore, is not a survey of small town recreation, but a brief review of typical achievements. The facts are taken from the current files of the Playground and Recreation Association of America and from publications of the United States Department of Agriculture.

Recreation facilities in small towns include mainly parks, playgrounds, athletic fields, community houses, picnic grounds, tennis courts, bathing beaches, and swimming pools. Tourist camps also are common. In many instances, the recreation facilities combine several features. Parks, for instance, often have within their area playgrounds, athletic fields and swimming pools or other facilities.

In the majority of the towns studied, recreation is financed by public subscription. Yet instances of successful municipal maintenance demonstrate the feasibility of tax support. It is

scarcely necessary to say that leadership for recreation in the small town is just as essential as in the city. The success of the program usually varies with the competence of the management.

## PARKS

Wamego, Kans., has a population of only 1,585, but in 1904, as a result of a bond election, it purchased twelve acres of land for park purposes at a cost of \$2,525. Recently, the park board purchased three adjoining acres at a cost of \$2,000 for use as a tourist camp ground. Improvements include an artificial lake four and one-half feet deep with an area of one and one-half acres, used for boating and bathing; a wading pool, electric fountain 45 feet in diameter and 27 feet high; a women's rest house; a men's comfort house; band stand; dancing pavilion; playground equipment; three drinking fountains, dining tables, steel range, baseball, football and basketball fields, and other facilities. It is maintained by town funds at an average yearly expense of \$1,500. This includes the salaries of caretaker and janitor for seven months.

The only charge made for the park is for entertainments for gain. The revenue comes from licenses for shows and from the church, school and general welfare fund. The park is extensively used.

Of it a leading citizen said: "The

park has done more for Wamego than any other one thing we have. It has encouraged higher ideals, aroused civic pride, and last, but not by any means least, has transformed the knockers into boosters."

Gregory, S. D. (population 1,067), in 1904 set aside thirty-eight acres of the original town site. This includes a butte a hundred feet high on which the town's reservoirs are located. A variety of trees were set out to provide shade and picnic spots. There is a public picnic ground thoroughly equipped and also a tourist camp. There are baseball and football fields with a grand stand, tennis courts, and a reservation for a golf course. In 1922, two swimming pools with accompanying bath houses were completed, at a cost of \$3,500. Water is obtained from the town well. The park is maintained by municipal funds.

Belchertown, Mass. (population 2,000), has a local reserve known as "Holland Glen." This was purchased for \$1,000 by a historical association formed for the purpose.

Marion Center, Pa. (population 500), formed a community association to purchase an area of fourteen acres for a park; \$2800 was subscribed by 400 persons. The park is handled by a board of seven trustees, four of whom are farmers. The fees from concessions go into the maintenance fund.

#### PLAYGROUNDS

Pittsfield, N. Y. (population 2,000), enjoys a successful summer playground on a donated eleven-acre field. It is maintained by funds from the school district. In 1923 the expenditure was \$100 for equipment, \$50 for upkeep and \$335 for salaries.

The playground is popular. For the two months, July 1 to September 1, the record showed a total of 24,685 gross attendance. Some of the conclu-

sions of the local playground director are as follows: "It is not wise to attempt the same methods in a country playground as in the city. The purpose is the same and the need is as acute, but the result cannot be accomplished in the same way. . . . New games and apparatus can be used without limit. Not more than one of each kind should, in most cases, be provided. Equipment should be introduced gradually."

Spring Grove, Pa. (population 1500). The Spring Grove Recreation Association conducts a playground from June 1 to September 1 under one woman leader. The season's expense of \$675 in 1924 was met by bazaars and subscriptions. The playground, which is half an acre in area is valued at \$300 and was first opened in 1921. In 1924, additional equipment was presented as follows: one giant slide, trapeze, bars and ladders. Recreation facilities include also an athletic field, a tennis court, a quoit court, a place for water sports, and a place for skating.

The recreation program in Spring Grove includes pageants, holiday celebrations, block parties, moving pictures, first aid classes, craftsmanship, junior police, athletics for industrial groups, community singing, music memory contests, marble tournaments, horseshoe tournaments and playground ball.

Wakarusa, Ind. (population 859). The local playground association conducts one playground during June, July and August. It is located in the town park of seven acres and is a quarter of a block in area. There are also a tennis court, a quoit court, and a ball field. There are two women workers. In 1924 the season's expenditure was \$312.50, of which \$262.50 was from the town funds and the balance from membership dues.

Riverside, N. J. (population 949).

This town's playground which was started in 1920 is one acre in area. It was conducted in 1924 at an expense of \$250, \$100 of which came from the township commissioners, and the remainder from one and two dollar memberships. There is one woman director in charge.

The public school of Angola, Ind., (population 2,610) conducts recreation under the leadership of its two physical directors. There is one playground of two and a half acres on school property, with equipment worth \$300. The average daily playground attendance is 125. One school building is also used as an evening recreation center and has an average weekly attendance of a hundred.

Paulding, Ohio (population 2,500). The Harmon Foundation of New York City donated a field of two and three quarters acres. This was added to by the purchase of three and three quarters acres by public subscription. The playground was conducted during the summer season of 1924 with one man director at a total cost of \$500. The facilities include an athletic field, two tennis courts, two quoit courts and a wading pool. There is also one school playground, a park playground of two and one-half acres.

Other typical playgrounds are reported in Cocksackie, N. Y., under the auspices of the Village Improvement Society; Randolph, Vt., under the local Red Cross; Southport, N. C., under the schools; Traer, Iowa, under the Women's Federated Clubs; Woodstock, Vt., under the Woodstock Improvement Society; Kennett Square, Pa., under the local playground committee; Littlestown, Pa., under the Community Welfare Association, and Middlebury, Vt., under the local playground association. All are summer programs, the season's expense ranging from \$150 to \$725.

#### ATHLETIC FIELDS

New Prague, Minn. (population 1554), has an athletic field which when fully equipped will be worth \$25,000. The park board, taking advantage of strong sentiment for civic improvement in the community, solicited the help of local agencies in securing a large tract for the field. The American Legion and the Veterans of Foreign Wars raised \$1,500, making a first payment of \$1,000 on the property on the condition that the town assume the balance of the cost of \$9,000, paying off \$1,000 a year. This condition the town accepted. The remaining \$500 of the veteran's fund and sums contributed by various bodies were used to lay out a playground, a football field, tourist camp and other facilities and to plant flowers. The work was begun in 1922. The field now includes a tennis court, basketball courts and pavilion, in addition to the facilities already named. Much volunteer labor went into the improvements. The field is administered by a board of five members appointed by the town council on the recommendation of the park board.

Drayton, N. D. (population 637), has a forty-acre field which cost \$8,000. The sum was subscribed by 260 people living in five townships. The subscribers organized a park association, a nonprofit-sharing enterprise with each share holder having one vote. A baseball diamond, bleachers, picnic benches, electric lights and water supply to constitute some of the equipment. Plans call for additional facilities. The activities include special day celebrations, bathing and boating, parties, dancing, athletics and band concerts.

Sellersville, Pa. (population 1,572), has an eight-acre athletic field valued at \$2,500. It is operated from June 1

to December 31. There is one man director. The 1923 expense totalled \$1,575, divided as follows: permanent equipment, \$700; upkeep, \$650; salaries, \$225. The funds came from memberships of \$650 and donations of \$950.

Worthington, Conn., has a recreation plant, including an athletic field and a community center, valued at \$5,000 and maintained by public subscription. The property was donated and is conducted under the auspices of the Worthington Community Association.

#### COMMUNITY HOUSES

The community house is the prevailing type of recreation facility conducted the year round in small towns. Most of the houses described here were donated but are maintained by public subscription.

Spring Lake, N. J. (population 1400). On July 1, 1923, a community house worth \$100,000 was presented to the community. The town raised \$60,000 for endowment. The interest of 6 per cent from this fund, plus \$3,400 raised by subscriptions and entertainments, meets the yearly maintenance cost for the house and program. The building is located in a central portion of the town. Paid workers are a director and a janitor. The director also serves as superintendent of recreation for the community. Facilities in addition to the community building include one outdoor playground, three bathing beaches on a mile of ocean beach, one school playground, one park playground, and one evening recreation center. The activities include athletic badge tests, community singing, pageants, dramatics, holiday celebrations, motion pictures, craftsmanship, organized hiking and citizenship activities.

Beaufort, S. C. (population 2831). Social and recreational activities in this historic and beautiful sea coast

town have in recent years centered around the community house. A number of ladies serve as hostesses at the house without salary. In the summer of 1924 the city manager, Hunter McGee, started a playground program, the city appropriating \$610 of the total budget of \$750. The Civic League supplied \$140. The facilities include three playgrounds, an athletic field, two bathing beaches, and three picnic grounds, in addition to the community house. There is one woman worker for the playgrounds. The community house has in it a library and club rooms and is the meeting place for the annual lyceum course.

The cost of the house is being paid at the rate of \$1,000 a year by public subscription. The house is conducted under the auspices of Beaufort Community Service, a community committee of twenty members.

Harbor Beach, Mich. (population 1556), has a community building valued at \$125,000 which, while donated, is maintained mainly from tax funds. It was opened February 4, 1921. The city has its offices in the building and pays a rental of \$2,000 a year. The schools make use of part of the building and pay \$2,500 yearly. There are proceeds from moving pictures which are shown three times a week. The school board are trustees of the community house. Year round leadership for the plant is secured by the twelve-month employment of the two physical education directors of the schools. The building is equipped with gymnasium, library, offices of the Legion, Parent-Teacher Association, Woman's Club and the city. Three bathing beaches are utilized. Special features of the program are the volley ball league for business men and a class for training volunteer leaders.

In Chatham, N. Y., the community house is valued at \$40,000 and has an

endowment which yields \$3,425 annually. This, with revenues from bowling, pool, billiards, and memberships brings a total income of \$7,000 which supports the program; \$4,500 goes to salaries and \$2,500 to upkeep and supplies. There are three men workers employed the year round and one woman worker on a part time basis. The program began in 1910. Basketball is one of the most popular activities, fifty games being played in 1924. Other activities are winter sports, hiking, domestic science, first aid classes, dramatics, holiday celebrations, pageants, orchestras and bands.

Other types of recreation facilities are illustrated in the supervised bathing

beach maintained at Proctor, Vt., under the Village Improvement Society, and the attractive river bank improvement donated for community use at Unadilla, N. Y.

The foregoing towns have found recreation a good investment. Social enrichment and advertising have come to them, as they readily testify. As more and more small towns discover that recreation will help to check the drift of their youth to the cities as well as to attract new residents, they will make a determined effort to supply those opportunities for clean play that parks, playgrounds, athletic fields, community houses and other facilities supply.

## THE SECOND NATIONAL CONFERENCE ON THE SCIENCE OF POLITICS

BY ARNOLD BENNETT HALL

*University of Wisconsin*

THOSE responsible for the National Conference on the Science of Politics approached the meeting at Chicago with no little amount of trepidation and profound concern. The Madison Conference had been voted a success. But would the idea bear repetition? This was the question that troubled the minds of the committee, and which the second Conference was to answer.

The answer was most encouraging. Eighty-nine men and women thought it worth while. They came from all parts of the country and one from Canada. Most of them had attended the Madison Conference. Happily there were few casual visitors. Most of those who had been animated by idle curiosity did not return. There is reason to hope that in another year

that class of members will become extinct. Though there were eleven less registered members at Chicago than at Madison, the total number of those actively participating at Chicago was substantially greater. In the light of these considerations there seems to be ample evidence of the vitality of the conference idea and of the existence of an able and permanent clientele.

As a means of estimating the work of the second Conference the writer resorted to two methods of attack in addition to his own personal observations and experiences. The first was to read carefully the reports of the several round tables. The second was to send a questionnaire to each of the members of the Conference to ascertain their personal opinions and to deter-

mine what use, if any, they were making of the work of the Conference. Fifty-nine of the questionnaires were returned.

From this survey of the work of the Conference there are four things that seem to deserve special mention. The first thing that impressed the writer was the considerable number of members who felt that their greatest gain from the Conference was an understanding of the importance of scientific method in politics and a belief that many problems of political science were ultimately capable of being reduced to questions of fact, of quantitative analyses, or of precise measurement. The first Conference was expected to be more or less of a propagandist enterprise. Despite all that had been said and done in behalf of scientific method, there were still many to whom the idea had to be sold as a practical venture. Much of the futile manoeuvring which characterized the first half of the Conference at Madison was due to a widespread skepticism on this very point. Some of the groups spent a considerable portion of their time in trying to convert the unbelievers instead of attacking the fundamental problem. Yet the questionnaires returned after the first Conference did not bear witness to any remarkable conversions. There was little evidence of such heresy or unbelief at Chicago, or of much contention or propaganda as to the desirability or practicality of scientific method in general. It seemed taken for granted in most cases. Yet the returns show numerous conversions, accompanied in many cases with undoubted manifestations of enthusiasm and conviction. Naturally this was generally among the younger men, but this makes it only the more deeply significant. If the Conference can succeed in enlisting the interest and convictions of the younger men in scientific research, and if it can

provide the means of intelligent criticism and constructive suggestion for their enthusiastic attacks upon the problem of method, it is difficult to overestimate the far reaching consequences of the dynamic forces thus set in motion. Several of the replies along this line carried with them a contagious enthusiasm that was most stimulating. If the Conference had done nothing more than to accomplish this, it would have amply justified the time and effort expended in its behalf.

#### CO-OPERATION OF PSYCHOLOGISTS AND STATISTICIANS

The second thing that impressed the writer as significant was the remarkable unanimity with which the members of the Conference reached the conclusion that the development of a scientific technique of politics would be greatly facilitated by the co-operation of the psychologist and the statistician. The attitude became articulate in the unanimous indorsement by the Conference of the recommendation of the round table on politics and psychology that courses in statistics and psychology be required as an early part of the training of students of politics. This is all the more significant when it is realized that the same idea had been expressed by most of the group directors before the specific recommendation had been suggested. There is no need here to emphasize the organic relationships between the three disciplines, but perhaps there is need to stress the recommendations of the Conference. Such fields of political research as the personnel problem, political propaganda, political leadership, non-voting, popular control, legislation, party government, etc., deal largely with psychological factors, and any political scientist engaged in investigating any of these subjects will find himself greatly handicapped if

ignorant of the scientific technique which the psychologists have developed. Psychological method may have nothing specifically adaptable to the problem in hand, but it will afford many useful analogies in working out an adequate method. It is not the writer's purpose here to argue the obvious relationship between psychology and politics, but rather to plead that serious consideration be given to the Conference recommendation that some place be given to psychology in the early training of the student of government. In the writer's opinion the observance of this recommendation is of great importance in adequately training students for political research.

The relation of political science to statistics is equally important, and yet it has not received its due consideration. Departments of biology, education, economics, and psychology have found it necessary to inaugurate special courses in statistics as related to their several fields. They have found them necessary in developing their problems of method. Yet so far as the writer knows there are no functioning courses in political statistics. Graduate students in political science are suffering from this fundamental omission. Recently the writer had a doctor's dissertation prepared under his direction on the "Operation of the State-Wide Direct Primary Law in Wisconsin." The effort was to treat it statistically and objectively, to ascertain the facts, and to deal with nothing that could not be objectively determined. Some interesting and significant findings were made. When completed it fell into the hands of a specialist in psychological statistics. His study of the thesis developed the fact that the materials so carefully and industriously collected were only partially utilized and that matters of great significance had been ignored.

It was all due to a lack of knowledge of statistical methods and of the mathematical formulas that were involved. It brought home to the writer with exceptional vividness the fact that scientific method in politics cannot and must not ignore the available methods of statistics.

#### IMPROVEMENT OVER FIRST YEAR

The third observation upon the work of the second Conference is that it represented a distinct improvement in accomplishment over the preceding year. This was evidenced in several ways. There was less waste of time in getting down to the problem of method. There was greater efficiency among the members in finding the common elements that underlay all their problems as evidenced by their united attitude towards the need of psychology and statistics. The answers to the questionnaire showed much more discriminating criticism than did the answers of a year ago. Constructive suggestions were frequent, ingenious and occasionally profound.

The reasons for this decided improvement are in the main obvious. As already observed, a large proportion of the members were at Madison a year before, and, what is infinitely more important, some of them had been doing serious work in testing out the methods there suggested. There were not many of these, but their influence was most helpful wherever found. Many more had been giving the matter thought in the meantime, and took up the task at Chicago where they had laid it down at Madison. It was this continuity in membership and interest as well as continuity in leadership, wherever possible, that made the most substantial contribution to progress. The smaller number of idle visitors and casual observers has already been noted.

The real significance of the Conference in this connection is found in the statistics gathered from the questionnaires. There were fifty-nine replies this year as against fifty-five last year. Fourteen testified this year that they were using the work of the Conference as a basis for seminar work, as compared with ten last year. Fifteen are using it as a basis of thesis work as compared with seven last year. Ten are using it as a basis for class papers, and thirty-five are using it in connection with their own research as compared with eighteen and thirty-one respectively last year. Twelve have reorganized classes on the basis of the work of the Conference, and thirty expect to be able to test out the value of the suggestions made and to report back to the Conference next year, as compared with ten and twenty-nine who gave the same answers respectively a year ago. In the building of this type of clientele, of men and women capable of sustained interest, returning each year with quickened enthusiasm, larger experience, and profounder wisdom, the Conference can render a most important and useful service, for it is through this type of aggressive scholarship that success will ultimately be achieved.

#### RESEARCH FELLOWSHIPS

It may not be inappropriate at this point to call attention to the research fellowships just announced by the Social Science Research Council. The purpose of the fellowships will be to find men who have real genius in research, who have a project that gives promise of definite accomplishment, and who have evolved a scientific method of attack that will insure results that are objective and tangible, and to make it possible for such a man to devote all his time and energy to the prosecution of his investigation until it

has been completed. Such an arrangement ought to mark a new epoch in the field of social science research. It means opportunities for the young scholar of promise such as one would scarcely have dreamed of a few years ago. But the existence of these fellowships will not of themselves guarantee success. Whether or not the program will succeed depends upon the ability of the profession to make substantial gains in the problem of method. With such remarkable opportunities open to young men of genius who can present projects and propose methods that are scientifically sound, there should be an increased interest in the problem of method. It is to be hoped that the Conference can provide the needed stimulus, criticism and suggestion that will enable the younger men in political science to be able contenders for the coveted fellowships, and to make their full share of contribution to the development of scientific method in social science.

The final aspect of the Conference that merits discussion here was the growing conviction that the Conference had for the time being at least a permanent place to fill. The members voted unanimously to continue it for another year, and nine-tenths of those who answered the questionnaires indicated a belief that it should be indefinitely maintained. In many instances, however, it was made clear that this did not mean that it was not subject to great improvement. In fact, most of those who had the most definite conviction as to its continued usefulness were even more definite in their demands for improvement. The questionnaires contained innumerable suggestions and criticisms for the betterment of the Conference.

In order the more effectively to carry out the program of correlation stated above, the committee in plan-

ning for next year's Conference is seeking to have the directors formulate their programs well in advance. The members will then be urged to register early and the round table personnels will be assigned in time to make possible some preliminary work by the members before the Conference convenes. This plan can succeed only by the active and whole-hearted co-operation of the mem-

bers, but if that is forthcoming the unprecedented success of the next Conference is assured. If those attending have tried out in advance, either personally or through their students, the proposed methods that are to be discussed, it will give to the round table deliberations a reality and validity that will enhance both their value and their interest many fold.

## A SUBSTITUTE FOR THE QUESTIONNAIRE

### A NATIONAL INFORMATION AND RESEARCH SERVICE NEEDED BY CITIES

BY C. A. CROSSER

*Secretary, Toledo Commission on Publicity and Efficiency*

IF Koko, the civic-spirited public official in the comic opera, "The Mikado," were in public life today, there is no question but that he would add to his list of individuals who deserve to be decapitated, the senders of questionnaires. Most public officials have resorted to this expedient to obtain information while all assuredly have received these form inquiry letters and roundly denounced the senders. These questions range from a simple inquiry as to population, area, etc., to intriguing questions as to the number of postage stamps used by your city since 1901 and similar facts which would require a corps of experts to dig up.

#### THE QUESTIONNAIRE HABIT

The conscientious and obliging public official spends a considerable percentage of his working time during the year in replying to these inquiries. The other type of officer lines his waste basket with these form letters. But by doing so in many cases he fails to

co-operate in an effort which might be to his advantage. Some cities have departments of statistics where all the municipal lore is stored and to which all such inquiries are sent. In other cities municipal departments have an arrangement with the civic bureaus of the local chamber of commerce or municipal research organizations by which all such letters are referred to the latter to answer.

It would be interesting to send out to public officials, as a questionnaire, a request as to the number of their replies to these formal interrogations which are purely guesswork. Many answers from official sources on miscellaneous facts and data are far from accurate and therefore valueless for the comparative reports for which they are destined.

Why is this questionnaire habit? The answer is that municipalities are beginning to become curious about each other's experience.

American cities have been like ships sailing over the sea with no communi-

cation with one another, no maps or charts based on previous soundings, no means of signalling to one another. Each ship travels on its own course, proceeding slowly, while a man at the bow takes soundings with the lead as no maps are available; it avoids shoals and hidden reefs by good luck or crashes on them not knowing of their presence, or passes another ship without signalling or without any interchange of courtesies because one does not know the language of the other.

Cities are stampeded into wasteful experiments by popular clamor engineered by a few self-seeking individuals or glib theorists. Mistakes in methods of garbage collection and disposal, street paving, fire and police protection and health supervision have been made by one city after another simply because no city is familiar with the experiences of the other. No group of taxpayers who might have doubted the wisdom of some policy have been able effectually to interpose because it had no real facts on which to base its objections. Hilarious junketing trips at the city's expense have been camouflaged as thorough inspection trips to ascertain the most efficient practice in other places.

Chambers of commerce or boosting organizations, in their endeavors to laud their pet city to the skies and beyond, set out boldly in their pamphlets the delectable information that their city has the lowest tax rate in the world, little crime, the most schools and other as alluring facts. The truth may be that publicity committees in their zeal to prove the superiority of their city may have overlooked the fact that while the tax rate is low, the assessed valuation of property may be unusually high, or that there are few arrests and therefore few outward indications of crime because the laws are not enforced.

To sum up, it is exceedingly difficult to get fundamental and comparable facts relative to various municipal activities from most American cities.

#### A FOOT RULE NEEDED

What cities need are foot rules with which they can measure themselves and each other in similar terms. Obviously because of local deviations, it is impossible as well as unfair to compare one city with another with respect to certain facts unless they have been refined, so to speak, or reduced to a common basis. To take simple example, one cannot measure the total revenues of one city which operates its own electric light and street railway plant, with another city even though of the same size which does not have these municipal utilities. But these two facts may be refined by eliminating the revenue from the utilities, to make them comparable. Also it would be possible to ascertain about how many weights and measures an inspector should seal per day after finding out the average number inspected by sealers in other cities, after making sure that the governing statutes are similar.

Many comparisons between cities of the same census group which are within, say, 50,000 population of one another, fairly can be made in many matters in connection with the city's activities. What is the value of this? Suppose comparisons show that your city stands abnormally high or low. This should be considered at least as a danger symptom. This variation may be satisfactorily explained by some local deviation such as unusual topography, but on the other hand this may reveal top-heavy personnel, lack of sufficient personnel, or inadequacy of equipment which can be corrected.

Some efforts along this line have been made by various municipal research organizations and state municipal

leagues. These, in making studies of various departments in their cities, utilize figures from other municipalities as a matter of comparison. While these usually are more reliable than those computed by booster organizations, yet they show a surprising variation in some respects. This is not to be wondered at, for the researcher is unable personally to visit all cities from which he may desire information. But on the whole such figures on tax rates, per capita fire and police costs and similar matters which have been prepared by various bureaus, may be considered as reliable as possible under the circumstances.

The United States government also gets out certain statistics about cities particularly with regard to finances and health, which are valuable. But one trouble with the government figures is that they are usually a year or two old when available.

#### A NATIONAL AGENCY DEMANDED

The need of accurate figures and facts about cities has been recognized for some time. The National Municipal League and the Governmental Research Conference now are considering the means of establishing a central clearing house for all such municipal information. City officials everywhere seeking enlightenment about their departments would welcome such an institution from which they might obtain reliable data on the experience of other cities, while other officials, whose letter baskets are knee-deep with unanswered questionnaires, would hail with cheers the establishment of some institution which would relieve them of the annoyance of having to answer these myriad inquiries, many of them on the same subject, in the course of a year.

As a city official into whose hands comes most of the questionnaires addressed to the different departments, I

can see in a central clearing house of information for all cities, the possibility of a release for myself from many minutes spent during the year in looking up miscellaneous information. On the other hand, as a public official who is requested to ascertain certain facts from other cities for the information of our councilmen, officers and citizens, involving work which runs as high as 100 outgoing inquiries a month, I would rejoice if there were some central bureau to which I might write without feeling like a motorist who has just knocked down a pedestrian and has to borrow money from him to get some gasoline.

#### PROPOSED ORGANIZATION

As long as it costs nothing to construct such a bureau in imagination, I may permit myself to speculate the way such an institution would best suit the needs of my city.

To crystallize the idea, let us call this an Association of American Municipalities. Any city large or small would be eligible. Assessments from different cities for its maintenance could be based on population such as is done in the case of a number of state leagues of municipalities, or it could be based on the amount of service rendered.

For department organization, this institution could be divided into a number of bureaus, as follows—police and fire protection; building inspection; education; municipal utilities; thoroughfare, bridges and grade crossings; garbage and waste collection and disposal; parks and recreation; courts, penal and rehabilitation institutions; health and sanitation; city planning; finances and accounting; and general city government, including other miscellaneous functions such as elections, and legislative bodies. The above groups should in some way be cross

sectioned so as to segregate cities of a given census group.

First of all, this bureau must obtain copies of the annual reports of every department in every municipality, even though it is only a typewritten copy. This information would be sifted and revised for comparative purposes. A monthly bulletin containing comparative tables and articles based on the above reports should be sent out to members.

Although he may not on his own initiative make the slightest effort to obtain comparative information about his department from other cities, yet your average city official is very much interested in such facts when brought to his attention. So this pamphlet service would enlighten a public official as to the relation his department has to similar departments in other cities and show him whether or not his trend is above or below normal. These leaflets, which would be accessible to chambers of commerce and other civic organizations, would serve to keep them on the alert as to how their municipality compares with others with respect to the cost, scope and efficiency of its various functions.

After this institution is established, most questionnaire letters received by public officials could be forwarded to the association to be answered.

#### MODEL PRACTICES

But another and more important function might be performed by this institution. From the mass of collected information giving every detail in cost, revenue, personnel, or work with respect to every department in every city, it would be possible for the researchers of this institution to set up patterns for a "model" fire, police, health or other departments based on the most successful practices in other cities. This would give cities an ideal

to work for. As a matter of fact this is being done by the United States Public Health Association, which is making progress on a system for grading municipal health departments.

The above service would enable a city to "survey" many of its own functions and thus save sums which are now being paid to private survey organizations.

It would also make available to a critical minority authentic information upon which it could base its attacks on the incumbent administration, and conversely it would arm public officials with substantiated facts as to their own accomplishments with which they might defend themselves from baseless charges.

This institution also might serve another purpose such as is done by the New York Conference of Mayors and other Municipal Officials. Model ordinances on various subjects such as billboards, dance hall regulations, busses, licenses and other matters common to all cities, might be drafted by subcommittees composed of specialists. Many of the present city ordinances are weak in some particulars and strong in others. Ambiguous phraseology and loose construction invite litigation which costs cities large sums.

But these model ordinances drafted by experts would be sufficiently elastic to meet local requirements, would be comprehensive, require few subsequent amendments and as a result probably would not be the target for protracted litigation.

An institution such as this would not supplant the present state leagues of municipalities. There are certain matters peculiarly affecting cities in one state which only could be effectively dealt with by state groups.

This movement for a central clearing house of facts for American cities and laboratory for municipal experiments

will crystallize sooner or later into something definite. The problem is that it shall be accomplished in the most adequate manner possible so that the movement need not be impeded by disappointments or unfulfilled expectations.

Meanwhile, the only means of ex-

changing experiences is by the questionnaire method, so that pending the establishment of this central institution, city officials will have to be patient when the morning mail discloses numerous letters containing the following familiar "may we have replies to the following at your earliest opportunity?"

## HANDLING TRAFFIC VIOLATIONS OUTSIDE OF COURT

### DETROIT'S "VIOLATION BUREAU"

BY S. E. ROSE

*Detroit Bureau of Governmental Research*

MOST of our citizens are now operators of automobiles, which means that they are manipulators of potentially dangerous weapons, and as such make a large use of public highways, both as traffic channels and storage spaces.

This tremendous load of motorized traffic has burdened our city streets to such an extent that extensive restrictions for their discriminate use are imperative in addition to the required safety regulations. It has been found essential, therefore, to teach the public and to strictly enforce a comprehensive code of traffic regulations.

Public interest in reasonable traffic regulation is reached through wide dissemination of the printed statutes, press articles, lectures, instruction in the schools, special schools for drivers, and the examination of applicants for operators' licenses. Enforcement of these regulations is being carried out by the apprehension of offenders by the police departments, and the trial and punishment of offenders by the criminal courts. The detection and

apprehension of offenders is or can be well taken care of by the use of a sufficient number of traffic and motorcycle officers, but the trial and punishment of thousands of petty offenders by means of the elaborate and expensive machinery of the criminal courts has placed a burden on these courts that they are in most cases unable to handle without costly expansion. However, inasmuch as judicial action in the disposition of these cases seldom goes further than the imposition of a nominal fine, the expansion of our courts to handle such appears unreasonable. The problem of an expeditious disposition of traffic law violations is faced by all our urban communities.

#### CREATION OF "VIOLATION BUREAU"

The penalization of offenders has heretofore been exclusively a matter of court jurisdiction, although about 98 per cent of traffic offenses are of so minor a character as to make this procedure appear unwarranted from a strictly practical viewpoint. Recogni-

tion of this, coupled with the emergency of an overburdened court in which hundreds of violators and scores of policemen fill court rooms and halls to overflowing on "traffic violators' days," has caused Detroit to create a "violation bureau" at police headquarters to dispose of most of these cases without court action.

In Detroit in May and June the average number of traffic violation complaints was about 300 per day, with many violations overlooked or disposed of by reprimands because of the practical impossibility of following up a larger number without neglecting more pressing duties, and the reluctance of police officers to spend an excessive amount of their own time in court. Even with this number, conditions were very unsatisfactory, not only because of the court congestion, but also because a large number of the officers were kept in court away from active duty, and because of the great inconvenience caused the citizens who were kept waiting from three to five hours for their cases to be heard.

On August 1, 1924, a new "violation bureau" was established to serve:

- (1) As a clearing house for all traffic violation complaints.
- (2) As a record for all traffic offenders.
- (3) To dispose of all cases where the plea was guilty and judicial action was not indicated as necessary or heavy penalty desirable, and
- (4) To send to court all serious cases and the cases of "repeaters" where the imposition of nominal fines had proved futile.

To carry out this project, a new type of card for reporting traffic violations was put in use. These cards are made out in duplicate, the original being given to the offender or attached to his vehicle, and the copy forwarded to the violation bureau. One side of the violation card is reproduced.

These cards are issued to the officers, and individual receipts taken, so that all officers can be held accountable for all cards used.

#### REPRODUCTION OF CARD FOR REPORTING TRAFFIC VIOLATIONS

Precinct No.....

Violation

Card No.....

#### DETROIT POLICE DEPARTMENT

Time..... A. M. Date..... 192..  
P. M.

To.....

Address..... at..... St.  
near

Operator's License No..... Car License No.....

#### TO THE OFFENDER:

You are directed to report within 24 hours (Sundays and Holidays excepted) at the Violation Bureau at Police Headquarters, Beaubien and Macomb Streets. Office Open 8.00 A. M. to 10.00 P. M.

IF YOU FAIL TO SO REPORT A WARRANT MAY BE ISSUED FOR YOUR ARREST AND YOU WILL BE REQUIRED TO ANSWER TO THIS CHARGE IN COURT.

BE SURE TO BRING THIS CARD AND YOUR DRIVER'S OR OPERATOR'S LICENSE WITH YOU.

**PARKING (Impounding)**

..... Overtime  
 ..... Improperly  
 ..... In prohibited zone  
 ..... In street  
 ..... In alley  
 ..... Within 15 ft. of fire hydrant

**PARKING (Other than impounding)**

..... Opposite safety zone  
 ..... In front of building entrance

**FAILURE TO STOP**

..... At stop street  
 ..... When leaving alley or driveway  
 ..... With street car

**DRIVING THROUGH**

..... Occupied safety zone  
 ..... Street to left of street car

**SPEEDING**

..... Miles per hour  
 ..... Exceeding half legal rate at street car lines  
 ..... Exceeding half legal rate turning corners

**HORN**

..... Blowing horn except for signal

Violation other than above, if any .....

Place where violation occurred .....

..... St.  
 Ave.

Patrolman .....

**LIGHTS**

..... Both headlights out  
 ..... One headlight out  
 ..... Tail light out  
 ..... Glaring headlights

**CUT-OUT**

..... Muffler cut-out open

**LICENSE PLATES**

..... Missing  
 ..... Obscured or dirty  
 ..... Improper plates

**DRIVING LICENSES**

..... No operator's license  
 ..... Operator's license not on person  
 ..... No chauffeur's license  
 ..... Chauffeur license not on person

**SIGNALS**

..... Failed to give proper signal

**RECKLESS DRIVING**

..... Endangering pedestrian  
 ..... Car not under control  
 ..... Violating right-of-way

At ..... St.  
 Near

Badge No. ....

The reverse side of the card carries the following instructions to offenders:

**TO THE OFFENDER:**

When you appear at the violation bureau—

1. If your record for the past year has been satisfactory, you will be allowed to pay a sum of money or, if you prefer, to go to court to stand trial for your violation. If you make the requested payment it will be turned into the general fund of the city in the same way as if it was a fine collected in court, and there will be no further action taken against you.

2. If you are not guilty of the violation charged, or if for any other reason you care to pay the sum required, you must appear in court for trial and must wait at the bureau until you are served with a summons to appear in court.

3. If you, although guilty of the violation with which you are charged, refuse to make the requested payment because you prefer to go to court for trial, the fine imposed by the court may be more or less than the deposit, or you may be sentenced to the house of correction or you may be sentenced to both fine and imprisonment, in accordance with the opinion of the court.

4. For subsequent offences, either (1) a greater deposit will be required, or (2) you must go to court without the option of making a deposit.

5. The amount of the required deposit varies with (1) the type of violation, and (2) the number of violations. The minimum amount is \$1.00 and the maximum \$10.00.

The duplicate copy of the violation record is the same on its face as the original, but the reverse is used as a memorandum by the reporting officer, as follows:

sent in and a copy of the court notice issued by the violation bureau.

The card served upon the violator directs him to report to the violation bureau. When he appears at the

#### DETROIT POLICE DEPARTMENT

##### VIOLATION BUREAU

##### PATROLMAN'S REPORT

To be filled out only in those cases that may go to court

Defendant.....  
 Address.....  
 Owner of Vehicle.....  
 Address.....  
 Style of Vehicle and Make.....  
 Operator's License No..... Car License No.....  
 Violation.....  
 Remarks:.....  
 .....

##### WITNESSES

.....  
 .....  
 .....  
 .....

Do not write here.

Receipt No.....  
 Summons.....  
 Issued.....192..  
 Warrant.....  
 Issued.....192..

.....  
*Officer Making Complaint.*

.....  
*Officer in Charge.*

The reverse side of the duplicate card is filled out only in cases of serious, unusual, or flagrant violations, for which the offender may be sent to court for trial without the option of making settlement in the "Violation Bureau." When the officer making the complaint has completed his record and turned the card in to his precinct, he is not required to give any further attention to the case, unless notified by the violation bureau that he will be required to appear in court. This notification to the officer is made by returning to him the violation card he

bureau, he is, except in the more serious instances, permitted to make payment according to a fixed schedule or if he so desires, he may go to court for trial. If the offender prefers to go to court, he is forthwith served with a court notice. In the first month of operation, no one who was given this option of making payment failed to take it.

When the payment is made, a receipt is made out in duplicate. One copy is issued to the offender when he makes payment and the other is filed as a check on the money received. The

money is forwarded daily to the city treasurer. The accounts are audited monthly.

This system in effect permits the offending citizen to fine himself to serve his own convenience and the convenience of the public departments concerned. It was put into effect after an understanding was reached with all the officials concerned, including the judges of the criminal court and the legal departments of the city and county. It has, as yet, not been sanctioned by the passage of a city ordinance, but this will probably follow in the near future. An informal approval of this scheme was obtained from the city council prior to its being placed in operation. It is evident that at present these orders of the police are not legal summons and that offenders may ignore them at will. However, such procedure would result in the issuance of a summons personally served. During the introductory period an expected number of these orders were ignored. Such cases are now being followed up vigorously by the police. The new system has had the support of the press and has been given full publicity.

#### RESULTING BENEFITS

The first month's operation of the violation bureau showed that the police department made 17,034 complaints against motorists during the month as compared to 9,338 in the previous month. The bureau handled 12,681 cases and collected \$32,909 in the nature of fines. The courts have been relieved almost entirely of the burden of hearing traffic cases and enabled to give more time to criminal cases. In July, 5,630 traffic cases were tried, while in August only 224 were sent to court. Under the old system traffic law violators averaged three and one-half hours in court awaiting trial. The average time for settlement of such cases in the viola-

tion bureau is less than five minutes. Police salaries should go into keeping officers on the job. During July over 300 police officers spent a total of 1,050 hours in court awaiting the hearing of traffic cases, but in August the officers spent only 45 hours in court. This means that busy congested corners had increased police supervision and that motorcycle officers kept closer watch for violators. Everyone concerned has been benefited—the courts, the police, and the violators.

The police department has made every effort to play fair with the public, and in about 8 per cent of the complaints, where a substantial doubt existed or a warning seemed the only action warranted, the complaints were withdrawn. However, only the chief of the bureau is empowered to withdraw complaints. Omitting the withdrawn complaints, 98½ per cent of all the rest were settled by payments to the bureau and 1½ per cent were sent to court for disposition. This ratio is 57:1. The whole number of cases handled would have averaged 550 per day for the court, which would have more than taken up all the time of one judge and his court room staff. Whereas, with the sifting out and disposition of the unimportant cases by the bureau, only the equivalent of one day's time in a month was consumed by the court.

To summarize the results obtained, the Bureau has:

- (1) Relieved congestion in the traffic division of the criminal court.
- (2) Done away with the holding of large numbers of police and traffic officers in court, waiting to testify, away from active duty.
- (3) Relieved accused drivers of long waits in crowded court rooms, which usually consti-

tuted more of a hardship than the penalty imposed by the judge.

- (4) Instituted a more complete and unified record of all traffic offenders, so that "repeaters" can be more readily identified and severer penalties imposed.

This weeding out of the minor violators of traffic ordinances from the

courts, and their disposal through a business bureau operated by the police, is to be extended to include the violators of miscellaneous ordinances covering sanitation, smoke prevention, sidewalk cleaning, rubbish and garbage disposal, etc. It is felt that an extensive campaign toward cleaning up the city can be carried out in this fashion without placing any undue burden either on the police department, the courts, or the public.

## THE PRESERVATION OF THE INTEGRITY OF THE CITY PLAN

BY EDWARD M. BASSETT AND FRANK B. WILLIAMS

*Directors of Legal Division, Regional Plan of New York and Its Environs*

*The police power offers the best method by which the city plan can be protected.*    ::    ::    ::    ::    ::    ::    ::    ::    ::

It is evident that in the construction of a city which shall afford its inhabitants an opportunity of transacting their business economically and efficiently and of living in comfortable and healthful surroundings a city plan is essential. A city grows slowly. Of necessity, its streets, docks, playgrounds, and other public works are constructed from time to time as present needs demand and available funds permit, the requisite land being purchased as required. Any other policy would bankrupt the city and be impossible even if it were not prevented by the tax and debt limits that the state invariably imposes upon its municipalities. It follows that the only method of making sure that these public works for whose completion such a long time is needed are constructed economically and in such a way as best to serve the ends for which

they are intended, is the formulation in advance of a plan of these works as a whole, to which the sections as they are built shall conform.

In order to ensure that the city shall be built according to plan it is necessary not only that a plan shall be made but that it shall be followed. For that purpose two things are needed—that the city itself shall conform to the plan throughout the time required for the completion of the enterprises included in it, and that the owners of the land embraced in it shall not encroach upon it, and render it abortive by the erection of improvements which the city cannot, without undue expense, acquire and demolish in the progress of its work. To the accomplishment of the first of these objects there is no legal difficulty. A statute providing a method by which a city may adopt a plan of certain of its major features,

and shall build them only according to the plan or amendments of it adopted with due deliberation, is unquestionably constitutional. The problem is to secure the second result in a constitutional manner. For the present let us limit ourselves to a consideration of this question in so far as it affects the street system.

#### CONTROLLING THE BED OF MAPPED STREETS

The solution of the problem of preventing the building of structures in the bed of mapped streets would be perhaps the greatest service that could be rendered the cause of city planning at this time. One great reason why city officials do not take more interest in making a complete map of the city street system is because they can see no way to preserve the map from such encroachments upon it. No city can afford to buy at once all the land it needs for future streets; and to open them and assess their cost upon the abutting land, which in the outlying districts is mostly devoted to farm use, long before it is needed for building development, would be an intolerable hardship. It is not that the streets themselves are needed for present use but that the integrity of the street plan should be preserved for the future.

Is there a sensible and constitutional method of preserving the integrity of a city plan and preventing private owners from building structures within the bed of mapped streets? If the land owner is free to build within such a street, he can erect a row of valuable houses across a future street or regardless of an intended widening, as has been done in many instances in the city of New York. When the city proceeds to open or widen the street it can, of course, condemn and remove these houses, but the city is compelled to give compensation to the owners

and this compensation, sometimes very great, must be in whole or part assessed on the property benefited. In some cases the burden is so great that owners of vacant land petition the city not to open such a street. The city then tries to alter the map to accomplish an equivalent result. This, however, is usually difficult. Consequently the city map is changed from time to time on account of construction within streets. Streets that should be wide are made narrow. Sometimes needed streets once shown on the official map are omitted entirely. In the city of New York the integrity of the city plan has in some locations been entirely ruined on this account. An owner of land within a mapped street can prepare his plan for a building, present it to the building department, and if a permit is refused he can obtain from the court a writ of mandamus to compel the building commissioner to issue the permit. Inasmuch as the owner would be deprived of the use of his land if he cannot build a house, and this deprivation according to court pronouncements in New York and elsewhere amounts to confiscation of his property, the court will compel the granting of the permit. It has also been held in New York and elsewhere that any law providing that compensation shall not be made for a building placed within street lines is unconstitutional. These courts are not likely to alter their attitude. Where the structure is partly within the street or comprises merely an alteration, the provision for non-payment might and perhaps ought to come within the field of regulation where no compensation need be made. But where the entire lot and structure or a major part of it is within the mapped street an absolute prohibition would appear to be confiscation.

It should not be thought that all

persons who desire to build structures within mapped streets are trying to injure the community for their own private profit. Sometimes a man may own a building lot which lies entirely within the bed of a mapped street, but has a frontage on an opened street. It is a real hardship for him to be compelled to pay taxes indefinitely on his land and yet be prevented from putting up any building which can earn him an income.

Suggestions have been made that if such an owner desires to erect a building he should give notice to the city so that the city might within a certain space of time, say six months or a year, proceed to open the street. Failing this the land owner might obtain his permit and build his house. There is danger that such a plan would prompt many people to give notice in order that they might compel the city prematurely to open streets. It would be a mistake to let a single property owner have the power of dictating to the city when it ought to open a street. As a rule it is time enough for a city to open a street when the land owners are willing in whole or part to make deeds of cession.

#### THE POLICE POWER AND THE CITY PLAN

Little has been written or said about a city plan being related to the police power, yet municipal conveniences and necessities, the maintenance of which affect the health, safety, morals and general welfare of the community, are protected by the police power. Why should not the city plan be protected by the police power? Imagine a new city that grew up over night without streets. Its houses would be a miscellaneous jumble. There would be no public access to houses, stores and factories. There could be no adequate fire or police protection because there would be no thoroughfares for moving

protective appliances. There could be no system of sewers, water, gas and electricity, and garbage could not be removed. The first requisite of a new city is its street layout. Private land has no usefulness if there is not a system of public streets. Why then should not the system be protected by the exercise of the police power up to the time of the vesting of title to the street in the city? It is for the health, safety and general welfare of the community.

In order to put the above suggestions into concrete form the legislative bill, hereto annexed, was drawn, amending the charter of Greater New York. The reason why this method was used instead of a form suitable for all of the states is because the charter of New York contains careful provisions for the board of appeals, its procedure, review of its decisions by the court, etc. Many states have provided in their own way for boards of appeal in building matters. Such states can adapt the words of the bill to their needs or if they have not a body of law regarding boards of appeal they can refer to the New York charter.

The fundamental reason for bringing police power protection and the board of appeals into the preservation of the city plan is that the courts in many cases have stated that they will assist the regulation of land under the police power where it is reasonable regulation and not confiscation. The reason why attempts to prevent buildings in mapped streets have been to a greater or less extent unsuccessful in the past is because there has been no plan of regulation which the courts considered fair to the land owner or which prevented actual confiscation.

#### THE LAND OWNER'S POSITION

The plan suggested in the annexed bill assumes that, if the land within a

mapped street is like agricultural land yielding a fair return to the owner, it is a reasonable regulation to prevent his putting up his structures within the street lines. The farmer has other land where he can erect his barn and shed. He could hardly come into court and show that while he was tilling his farm he was subjected to confiscation by reason of a regulation which prevented him from putting up some of his farm buildings within the bed of future streets. When, however, land is not yielding a fair return, it is a real hardship to an owner within a street if he cannot make it earn something and perhaps the only way that it can be made to earn is to put up a building. In such a case after his application to the building department is refused, he can take his building plans to the board of appeals. The board of appeals can then adjust them to the reasonable need of the particular situation. In an outlying district it might allow a frame one-story building without a cellar which would be quite inexpensive to remove when the street was opened. If the land owner proposed to build a four-story masonry block of houses across the mapped street, the board of appeals could insist that the portion of the block within the street should be one-story high and of inexpensive construction, pointing out to the applicant that after the street was opened, these less expensive buildings could be removed and his two four-story masonry buildings at the corners would become desirable corner properties. In the meantime he could be earning four or five per cent on his buildings within the street together with taxes. New buildings could quite readily be made to set back to conform to a street widening. A thousand different adjustments might be made by the board of appeals, each adapted to the specific

case, and which would prevent unnecessary hardship.

If, after his hearing before the board, the owner refuses to build under such a permit as the board of appeals may grant, claiming that he is entitled as a matter of right to put up any building that he desires, he will be confronted by a dilemma. He can apply for a writ of mandamus against the building commissioner in order to bring before the court the question of constitutionality. The court will in all probability declare that the city plan must be protected in accordance with the law which declares that its maintenance is a matter of health, safety and general welfare, that he has had his hearing before a board which has power to adjust his specific case so as to prevent confiscation and yet maintain the street plan, that he would have been allowed to put up a building which would have earned taxes and a fair return on the value of his land within the mapped street, that therefore his land was not being confiscated, but on the contrary was being subjected to fair regulation in the interest of the community, and the court would accordingly refuse to compel the building commissioner to issue the permit. The other horn of his dilemma would be to ask the court to review the acts of the board of appeals on the ground that it had acted contrary to law or exceeded its powers. Such a court proceeding, however, would presume the validity of the law itself in the case of the owner and would not result in a judgment of confiscatoriness. Moreover it is a rule of law that a litigant must exhaust the remedies given him by the statute, such as his right of adjustment by the board of appeals and the review of it by the court, before he can bring up the question of arbitrariness, unreasonableness or confiscation in a direct action.

## FEW COURT CASES WOULD ARISE

When one considers that for the most part land owners recognize mapped streets by placing their buildings on the abutting land and the few who find it desirable to build within a street will dislike to go to the board of appeals unless they are prepared to comply with the adjustment of that board, it can be seen that only a few court cases would arise even in the city of New York.

One of the most striking points of the court decisions in zoning cases that involve the decisions of the board of appeals is that the courts are alert to support regulation and to distinguish regulation from confiscation. These decisions always mention that the zoning plan is declared by statute to be based on the police power. They further emphasize that the board of appeals is presumed to be an expert body.

Parks are purposely omitted from the suggested bill. It would be a great hardship on private owners if the city could place large parks on the official map and thus prevent buildings. A city should acquire a park soon after it is placed on the city map, or else take the consequences of the erection of buildings. If the street plan can be preserved, the main thing will be accomplished.

The reader will be interested to learn that the bill for preserving the integrity of the city plan, under the police power, as given here received the approval of the present administration of Greater New York and was introduced (Senate Introductory Number 1827, 1923) in the legislature of New York, but failed of passage. A similar proposition was included in the proposed new charter of Greater New York, prepared by the recent charter commission; also in a law amending the charter of the city of St. Peters-

burg, Florida, passed by the legislature in 1923, which failed of ratification by the people of that city; also in the charter of Nassau county, New York, passed by the legislature in 1923, which will be voted on by the people of the county in 1925.

## EMINENT DOMAIN AS A METHOD

In another form the same idea is making progress in Massachusetts. In that state the Federation of Planning Boards is advocating a bill for the preservation of the street plan by eminent domain. The bill empowers municipalities to acquire an easement in planned streets not yet opened, which will prevent land owners from building in their bed. Under the procedure authorized, the city appropriates the easement, leaving it to the land owner, if he sees fit, to claim damages within a fixed period. The same method is employed, with success, in Massachusetts in acquiring set backs, the land owners seldom suing because of the fact that their benefits from the establishment of the set back, as a rule are at least equal to their damages. This, it is believed in Massachusetts, will be the result in the establishment of street plans by the same procedure. The Massachusetts plan is not adapted to the legislative methods of New York and other states where owners in condemnations by municipalities are made parties to an action; and if the parties do not appear awards are made to unknown owners. Under such a procedure some owners will always make formal claims for damages and this virtually compels others to do the same. To some students of the subject, the method employing eminent domain seems more conservative. To the writers, however, as in zoning, it is only the exceptional case which presents legal difficulties; and, as in zoning, they

believe that with the hardship and injustice of such cases eliminated, the use of the police power is reasonable and constitutional. Under the police power, also, there is as in zoning a flexibility which cannot be obtained by eminent domain; for permission to build in the bed of mapped streets, in

the exceptional case, can be granted with conditions devised to fit the special circumstances of the case. In this matter, however, as in so many others, it is for the legislators of each state to decide what is best suited to its needs and will best fit in with its existing laws and methods.

## A PROPOSAL FOR PRESERVING THE INTEGRITY OF THE CITY PLAN

### AN ACT

To amend the Greater New York charter in relation to the official map and plan, to prevent buildings in streets shown on such map and plan, and to empower the board of appeals to grant building permits in certain cases.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

#### Section 1.

Chapter VI of the Greater New York charter is hereby amended by adding after section 442 a new section to be known as section 442a, as follows:

Sec. 442a. Such map and plan is established to conserve and promote the public health, safety and general welfare. Accordingly for the purpose of preserving the integrity of such map and plan no permit shall hereafter be issued for any building in any street laid out in such map and plan, provided however that, if the land within such mapped street is not yielding a fair return to the owner, the board of appeals shall have power in a specific case to grant a permit for a building or buildings which will as little as possible increase the cost of opening such street or tend to cause a change of such map, and such board may impose reasonable requirements as a condition of granting such permit, which requirements shall inure to the benefit of the city. Before

taking any action authorized in this section the board of appeals shall give public notice and hearing.

#### Section 2.

Section 718d of chapter XIV-A of the Greater New York charter is hereby amended so that it will read as follows:

Board of Appeals. Sec. 718d. The appointed members of the board of standards and appeals and the chief of the uniformed force of the fire department, exclusive of the other members, shall hear and decide appeals from and review any rule, regulation, amendment or repeal thereof, order, requirement, decision or determination of a superintendent of buildings made under the authority of title two of chapter nine of this act or of any ordinance or of the fire commissioner under the authority of title three of chapter fifteen of this act or of any ordinance, or of the labor law. They shall also hear and decide all matters referred to them or upon which they are required to pass under any resolution of the board of estimate and apportionment adopted pursuant to sections two hundred and forty-two-a and two hundred and forty-two-b of this chapter. *They shall also hear and decide applications for permits for buildings in streets laid out in the official map and plan of the city as provided in section 442a of chapter VI hereof.* No member of the board shall pass upon any question in which he or any corporation in

which he is a stockholder or security holder is interested.

Hearings on appeals shall be before at least five members of the board of appeals, and the concurring vote of five members of the board of appeals shall be necessary to a decision.

The words board of appeals when

used in this chapter refer to the said appointed members of the board of standards and appeals and the chief of the uniformed force of the fire department, when acting under the powers conferred by this section.

NOTE. New matter in section 718d is in italics.

## BOOKS AND PUBLICATIONS

THE CONSTITUTION OF THE UNITED STATES. By Raymond Garfield Gettell. New York: Ginn & Company, 1924. Pp. 213.

Since the revival of American patriotism in the years following 1914, a number of states have passed laws requiring that the constitution be studied in our schools. What this requirement might imply in actual pedagogical practice the legislators probably did not have in mind. But enterprising publishers have sought to make the task of schoolmen in fulfilling the requirements of these laws easier by providing manuals, not of general civics of the new type, but of facts concerning the constitution itself. This volume is one of these manuals. There are chapters on the making and development of the constitution, the political theories upon which it seems to rest, the international government, and one each on local and party government. The condensation enforced upon the author by the limitations of the size of the volume has been achieved by the inclusion of the strictly traditional, rather than the striking. The style is simple and clear cut, the subject matter well paragraphed, and the chapters are provided with suitable teaching helps. There is no apparent effort, however, to stimulate the discussion of unsettled questions, and little information concerning social and economic issues which might give vitality and meaning to a discussion of the constitution as it exists to-day.

RAYMOND MOLEY.

Columbia University.



COMMUNITY FORCES. By R. D. McKenzie. New York: Reprint from the *Journal of Social Forces*, January, March, May, 1924. Pp. 24.

The analysis of the election returns in the city of Seattle for the last thirteen years has revealed some very interesting data, indeed. Many of the conclusions, it is true, differ but slightly from the oft-repeated observations of those sagacious impressionists we call practical politicians. Nevertheless, even the documentation of what appears to the profession to be obvious is exceedingly important. Through it many a popular delusion may be shattered. In this class is the deduction that the public as a whole is inclined

to be conservative, certainly not startling to the modern political scientist, nevertheless useful for public dissemination. Nor are there many within the ranks who will be surprised to discover that a comparatively small number of persons in the average city try to dominate it. Even the public is cognizant of the fact that wolves frequently disguise themselves in sheep's garments, that private interests often attempt to promote their own ends in the guise of community well-being.

Not so well known, perhaps, is the fact that the less mobile portion of the community is very likely to control its political destinies, and yet the observation has long been current that residence in a district is a considerable asset in a political campaign. The attempt to measure the force of district consciousness is an innovation equalled only in interest by an analysis of the influence of class prejudice which is set forth in ensuing pages. That both elements play a tremendous part in local politics has long been known. That the one exerts its influence primarily upon administration; the other, upon legislation has not, perhaps, been so widely realized. Possibly the most interesting conclusion of all is that which deals with the power of the press. "As an advocate," says the author, "the newspaper is most effective in determining the fate of a new political issue or of a candidate who is making his first attempt to enter public life. Once a measure or a candidate has become the subject of popular discussion newspaper comment has but little significance."

The data upon which these conclusions are based, and the analysis and interpretation thereof certainly deserve the consideration of every political scientist interested in the field of practical politics, or in the general problem of the formation of public opinion.

SCHUTLER C. WALLACE.



THE POLITICAL PARTIES OF TO-DAY. By Arthur M. Holcombe. New York: Harpers, 1924. Pp. 392.

"What do the political parties of to-day stand for?" The answer to this pertinent and ever recurring question Professor Holcombe seeks not in political theory nor in the platitudes of party platforms, but in economic facts. After showing

that the paramount issues in national politics are of necessity economic rather than constitutional, the author seeks the economic background upon which a picture of party activity may be drawn. This is found in the economic geography of the great sections of the nation; the cotton belt, the corn and wheat belt, the hay and pasture region, the great plains, the mountain region, and the Pacific belt. By a careful and ingenious examination of the results of congressional elections the fact emerges that the sources of Republican strength are about as truly sectional as the Democratic "Solid South." Republican solidity is in the hay and pasture region from Minnesota to Maine and in the corn belt from Pittsburgh to Des Moines. Here are a block of permanently Republican districts that by the rule of seniority in congress and by the natural leadership of long service have dominated the economic policies of Republicanism for a generation. A series of historical chapters makes application of this economic thesis to the narrative of national party conflicts. Professor Holcombe wisely refrains from proposing "third party" panaceas or prophecies of realignment. He is content to conclude his realistic account of party history and life with a mere recital of the factors which must enter into any new developments in party antagonisms.

This book, with the earlier contributions of Beard to the economic history of parties, goes far in pointing the way for the development of really scientific methods in politics. Nothing more valuable has been added to the literature of politics in America in several years.

RAYMOND MOLEY.

Columbia University.



**PUBLIC UTILITY REGULATION.** Edited by Morris Llewellyn Cooke, M.E., Sc.D. New York: Ronald Press, 1924. Pp. X, 310.

This is a volume of essays on various aspects of public utility regulation. Eighteen experts have contributed. These include with the subjects treated: Felix Frankfurter, "Introduction"; Ernest S. Bradford, "The Field of Regulation," and the "Technique of Conducting Actual Cases"; Milo R. Maltbie, "Federal Courts and Utility Regulation"; Charles M. Fassett, "Regulation and the Franchise"; Donald R. Richberg, "Major Problems Presented to State Commis-

sions"; Clayton W. Pike, "Electric Service Standards"; Delos F. Wilcox, "Water Service Standards," and "Co-operation between State and Local Authorities"; Willard F. Hine, "Gas Service Standards"; Roy Husselman, "Electric Railways Service Standards"; Munson D. Atwater, "Telephones Service Standards"; C. W. Koiner, "Bases of Rate Making"; John Bauer, "Holding Companies and the Authorization of New Capital Issues"; H. K. Hathaway, "Cost Finding as an Aid to Effective Regulation"; Benjamin H. Williams, "Regulation of Motor Conveyances"; Henry T. Hunt, "Labor Policies and Public Utilities"; Charles E. Merriam and Harold Lasswell, "Current Public Opinion and the Public Service Commissions." The editor, Mr. Cooke, contributed a "Foreword on Service Standards," and chapters on "Nation-wide Organization of the Utility Industries," and "The Public Service Commissionership as a Factor in Government."

The purpose of the volume is best indicated by a short quotation from the preface:

It is believed that the material here for the first time published will be of value to all interested in the subject whether as public officials, public utility officials or investors, or representatives of the public at large. For the purposes of a college text in political science and government the volume has special value in that it does not confine itself to a discussion of court and commission rulings, but treats regulation rather as a living, growing and changing policy of government. Regulation is painted in the light not only of what now is best, but with a view to what may and probably will be best.

Mr. Cooke has gathered the work of the leaders in the profession and the material is uniformly good. The assignment of subjects is first rate. The field, of course, is broad, and its exact metes and bounds are hazy. All the important phases of the subject have been handled, however, in an intimate way, including not only the usual problems of valuation, rate making and service standards, but also the actual procedure in conducting cases, labor policies, the relation of the state and its subdivisions, current opinion, and the development of national organizations.

One of the purposes, as stated above, is to provide a college text. No doubt, many teachers who have been painfully, almost wistfully, searching for a college text will welcome this compilation. It is distinctly readable, and broad in its application. With lectures to fill in portions more fully, and with possibly the use of a case

book on public service corporations, an admirable course is possible.

The volume is pro-regulation and suspicious of utilities. Probably this results from the fact that many of the authors have devoted their lives to defending the public interest in actual disputes. The bias, however, is not great, and no more than compensates for the pro-utility material in current magazines. It errs, if it errs

at all, on the side which is least well represented in current literature.

Its positions on rate making are a pleasant clarification of muddled judicial decisions. The statements in regard to the "Public Utilities Reports Annotated," from pages 298 to 302, are worth noting.

HARRY A. BARTH.

University of Oklahoma.

## RECENT PAMPHLETS AND REPORTS

**Report on Assessment Methods.**—The City Club of Philadelphia has published a committee report on real estate assessment methods pursued in that city which supports the results of investigations into experience elsewhere under the historic, hit-and-miss system of appraisals in the hands of nondescript amateurs. The report reveals that two assessors are appointed for each of the city's thirty-eight assessment districts by the Board of Revision of Taxes, which is in turn appointed by the court of common pleas. Very little effort, however, is made to instruct the assessors in their work and none of the devices associated with the systems of mechanical assessment are employed. Personal interviews with a goodly number of the district assessors reveal the general belief that "horse sense" is a better guide than any rules or tables that can be devised. The report concludes with recommendations which would place Philadelphia among those cities employing scientific methods of assessment. Karl Scholz was chairman of the committee which prepared the report.



**Uniform System of Accounting for County Treasurers in Nebraska.**—Pursuant to a law enacted in 1922, the state auditor of Nebraska has prepared a pamphlet containing details pertaining to a uniform system of accounting for county treasurers of that state. Among the things introduced or insisted upon are the following: Properly arranged daily balance book, loose-leaf voucher record, separate handling of special improvement taxes, special temporary receipts for protest taxes, monthly closing of redemption account, comprehensive record pertaining to bond and coupon payments, and a comprehensive record pertaining to transactions with depository banks. Underlying principles are briefly stated, rather than arbitrary rules. While the

pamphlet contains nothing new, the matter is presented in very good form.

A. E. B.



**Washington State Department of Efficiency Report.**—The department of efficiency of the state of Washington has just issued its second biennial report. This report is especially noteworthy, not only for what it contains, but because of some unique things which have been started by the department under the able directorship of L. D. McArdle. The department of efficiency was created by the civil administrative code of 1921, which reorganized and departmentalized the state administration. It is one of the ten departments established by the code and is in reality the department of finance and budget of the state government. The work of this department should be brought to the attention of other states. Many good suggestions may be gained by a perusal of this report. State fiscal officers, especially, should secure a copy of it and read it.

Among the accomplishments of the department of efficiency, as enumerated in this report, are: the enforcement of a plan for current budget control, the preparation of a state budget for the governor and the legislature, the classification of state employees, the preparation and approval of all forms dealing with fiscal matters, the installation of uniform accounting, the preparation of a complete financial history of the state, the collection of data for the equalization of property, the recording of all state property and the installation of property records, and the survey of all departments as to their business methods. Mainly through the control and supervision of this department an overdraft in the general fund of more than one million dollars on April 1, 1921 (when the department began to operate) has been changed to a balance of over five million dollars

on September 30, 1924. The tax levy for the general fund, which was  $4\frac{1}{2}$  mills in 1921, has been gradually reduced each year since and finally eliminated in 1925. This was made possible largely by enforced economies in expenditures and by much better collections in other sources of revenue for the general fund.

A. E. BUCK.

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**Detroit Bureau of Governmental Research Reports on Sewage Disposal.**—A report recently prepared by the Detroit Bureau of Governmental Research for the commissioner of public works discusses the problem of sewage disposal which confronts Detroit. While the report is intended to interpret technical questions for the layman, it is of interest to engineers as well.

Under a treaty between the United States and Canada an international joint commission has adopted a maximum of allowable pollution of boundary waters, and the degree of sewage treatment necessary at Detroit is affected by this standard. Detroit's own water supply, and cities, bathing beaches, summer homes and pleasure resorts on the Detroit river below Detroit must also be considered. A summary is given in the report of various investigations made of the situation. It is shown in this summary how the discussion of methods of treatment narrowed

down to the use of screens or sedimentation tanks, with or without sterilization of the effluent.

The engineer of the bureau accompanied members of the common council and city officials of Detroit who inspected various sewage disposal plants. At that time and later other plants were visited by the bureau engineer, and the operation of installations in eleven cities is described. From these inspections and other studies it appeared doubtful that screens offered the best solution. Questions are also raised concerning the activated sludge method of sewage disposal as a way out for Detroit.

Many of the plants examined were operating under conditions unlike those at Detroit, and the bureau recommends that the common council acquaint itself with comparable installations. It is also recommended that the city construct experimental plants to gain more accurate knowledge of obtainable results. Finally the bureau advises the appointment of a commission of three or four sanitary engineers of high standing to study the problem and reach a technical and scientific solution.

Since this report was issued, the mayor of Detroit has appointed a committee of five engineers to study and plan a sewage disposal system.

C. A. HOWLAND.

## NOTES ON PUBLICATIONS ABROAD

EDITED BY W. E. MOSHER

**Planning of Metropolitan Areas.**—The complete issue of *Le Mouvement Communal* of November 15, 1924, is devoted to a discussion of the reports and programs for what we call the planning of metropolitan districts and what is called in French the "urbanization des grandes agglomérations." It was published preliminary to a national conference on regional planning which was held in Liège on the 29th and 30th of November.

The first article deals with the methods in force in foreign countries. It sets forth in an introduction the standards that have been accepted by progressive cities and countries and then outlines the progress that has been made in outstanding instances. A brief review of the situation in England is followed by a lengthier

discussion of the investigations being carried on in New York City by the commission headed by Thomas Adams, and secondly, by a summary of the achievements of the Cleveland City Planning Commission. The most important section of the article has to do, however, with the work and plans of the Association for the Colonization of the Ruhr Basin. The writer considers that, in view of the achievements of this Association since 1920, "the Ruhr is actually the only region in the world where the theories of 'urbanization' have been applied in an integrated way." A brief review of the scope of the Ruhr problem and the laws governing the activities of the Association, as well as the outcome of its efforts, is followed by an outline of its organization and methods of administration. Taking it all in all, one has

within the compass of eight pages a very good bird's-eye view of the status of the "urbanization" movement.

The second article, which was prepared by a Belgian "architecte-urbaniste," contains a plan of organization and methods of carrying on an organic program for the urbanization of large areas. So far as the organization is concerned, the writer urges the establishment of a national commission attached to the ministry of agriculture and public works, whose members would be appointed by the king. It would have an inspectional service with branches in the various provinces. It would, of course, be the function of the commission to establish minimum standards governing the beautification, the extension and development of the cities of the whole country. Specifically, it would be engaged in elaborating plans particularly in graphical form, in developing statistics and a continually growing body of information that would throw light upon the methods to be followed throughout the nation.

One of the most interesting features recommended is that all of the organizations which in any way would have an interest in the problem should, through representatives, be associated with the commission. There would be represented such interests as the following: archeological, biological, geological, hygienic, agricultural, forestry, industrial, legal, transportation and the like. All plans and projects for changes and improvements would be passed upon by the representatives affected. This commission would also have its branches through the provinces and the regional subdivisions into the local communities.

It will appear that the suggestion for this commission on urbanization is most comprehensive and detailed. It represents the Ultima Thule of those interested in regional and city planning, and will be found to be a treasure trove of suggestions.



**German Year Book for Local Authorities, 1924-25.**—There is probably no single work available in any language that gives so many facts and so comprehensive a review of current conditions and problems of local government as the 450-page year book called "Deutscher Kommunal-Kalender." It contains the titles and names of officers of a lengthy list of municipal, communal and state associations and organi-

zations of public employees, as well as the names of the officials at the head of the various units in the state and federal governments of Germany. A further section is devoted to the names of foreign leagues of municipalities with lists of officers and other pertinent information. To this is appended the titles and a brief characterization of recent important German and foreign works bearing on Governmental matters.

About one half of the volume is devoted to contributed articles signed by men whose positions are a guarantee both of authority and merit. The articles are comparatively brief (three to four pages) and offer a bird's-eye view of the special subject considered. These subjects center about current problems and, taken all together, offer a kind of composite picture of present-day rural and urban Germany. They range from the probable influence of the Dawes plan on city and township and the loss of independence on the part of local authorities to a discussion of such matters as rural culture and municipal crematories. Finance, housing, education and health have their due place. As the editors indicate, proper attention has not been given to administrative technique, nor to municipally run public utilities, on account of lack of space.



**Relationship Between Central and Local Authorities.**—What amounts to an international reaction against the process of centralization, which advanced so rapidly during the war, is evidenced by such resolutions as those of the Association of German Mayors, quoted in the last issue of the REVIEW, and the one passed by the deputy mayors, a branch of the Federation of the Mayors of France, cited in the *Revue Municipale* of recent date. The latter resolution was unanimously adopted, and consisted of a protest against the suppression of the administrative and judicial authority of the districts. It urged "a reform for the purpose of realizing administrative decentralization within the framework of existing divisions."

Further, an English writer, the town clerk of Birmingham (*Local Government News*), takes as the keynote of his article on the right of appeal to government departments the statement that there should be "a far greater devolution of powers to local government authorities and without central control."

The last two issues of the *Journal of Public*

*Administration* carry articles of a more general character, one dealing with the "Local and Central Authorities in the Development and Maintenance of Roads," and the other with the "Relation of Central to Local Government." The latter article is of special interest because it offers in condensed form a survey and comparison of the development of this relationship in England, France, Germany and the United States.

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**Public Administration in the University.**—At the December dinner of the Institute of Public Administration (England) the question of offering courses in public administration in the universities was discussed by officials representing several universities in England and Ireland. The keynote was struck by the toastmaster, Lord Haldane, in his statement that administration is a science as well as an art, and the study of its first principles a very important study. It appears from a résumé of the various addresses that London is the only university at the present time offering instruction in this field, but that there is a disposition on the part of other representative educators to consider the subject of public administration as a branch of politics in the curriculum of the university.

Professor Adams (W. G. S. Adams, Oxford) expressed the conviction that "the study of public affairs can play a great and liberal part in the training of public administrators." The Vice-Chancellor of London stressed particularly the importance of the subject of biology for men and women who aim to become successful administrators.

According to the report, there were dissenting voices among the university officials, but the general impression was given that the subject had been opened up in a most promising way.—*Journal of Public Administration* (London), January, 1925.

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**English Views on the City Manager.**—Dr. I. G. Gibbon gives a summary review of the characteristics and growth of the city-manager movement in the United States which indicates a thorough-going acquaintance with the literature of this movement, if not first-hand contact with council-

manager cities. The interesting feature in the article is the very definite conclusion that such concentration of executive responsibility as is represented in this type of government is not suited to the local government of England. In the writer's opinion this is an expression of "the full exuberance of the American spirit." He is willing to concede, however, that the English may derive worth-while suggestions from the council-manager form of administration, but considers that they are so "much more fortunately favored" in the field of local public administration that they would not have to resort to the "somewhat hectic efforts" made to overcome the defects occurring in the United States.

The chief criticism levelled at the council-manager system as at present operating is at the tendency of some managers "to dabble publicly in policy." The writer questions whether the largest cities in the United States will turn to this system of local government unless "some more effective means are provided than at present for clearly placing elsewhere the responsibility for matters of policy and, equally important, the public advocacy of them."—*Journal of Public Administration* (London), January, 1925.

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**Measurement of Costs.**—For those who are looking for progress in the methods of measuring the efficiency of government, a brief review of a memorandum (94-T), gotten out by the ministry of health in England, will be of interest. The memorandum gives a detailed analysis of the average cost per patient per week in 173 residential institutions. These costs are classified under such headings as the following: salaries and wages, meat, milk, fuel, light, etc. The average number of staff for each ten beds is also included, as well as the percentage of the beds occupied during the period reviewed.

On account of the varying conditions as to organization and costs, to mention but two, this report may be of only limited interest to public health officials and to students of administration in the United States, but from the point of view of the method of applying statistical measurements to public administration, the memorandum would seem to be of real importance.

# GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY ARCH MANDEL

**Kansas City P. S. I. Extends Services.**—In order to be of greater benefit to the people of Kansas City, the Public Service Institute added to its staff Dr. Robert A. Cummins as extension director. His function, somewhat unique in the municipal research field, is proving very effective. It is his job to speak to various groups in the city, informing them about the work of the Institute and disseminating information of public affairs procured by the organization. In emphasizing this phase of its work, the Institute is rapidly becoming a central source of information on all matters of local government.

The Kansas City Public Service Institute has devoted most of its time during the past year to assisting in the drafting of the new charter for Kansas City. At present it is doing its best to get the new charter adopted. The election will be held February 24. The prospects at the present time (three weeks before the election) look very favorable.



**Action of Newark Chamber.**—By a vote of five to one the members of the Chamber of Commerce of Newark, New Jersey, favored the adoption of the report of its Municipal Affairs Committee, advocating the council-manager form of government. Notwithstanding this decisive vote, the Chamber will carry on a thorough campaign of education before any attempt will be made to have the people vote on the adoption of such a charter. In this campaign of education by the Chamber, its Bureau of Research, John B. Blandford, secretary, will take a leading part.



**County Government Still the "Dark Continent."**—Leyton Carter, director of the Municipal Research Bureau of Cleveland, finds that the county is still the "dark continent" in the domain of local government. This conclusion is based on a report just issued by the Cleveland Bureau upon the laws in Ohio governing county finances and their administration, with particular reference to Cuyuhoga county.

County finances in this state are governed by a maze of laws and regulations. A brief digest of these laws covers over eighty typewritten pages. An analysis of these laws reveals the presence of a large number of special funds independent from one another in their operation, a striking degree of decentralization in the power to determine appropriations and an almost total lack of any modern budget procedure.

The report contains a financial history of the principal tax-supported funds of the county for a period of several years. This examination revealed a condition of persistent and substantial over-financing of the county government. In other words, the aggregate balances of the funds examined were large at all times, even in months just prior to the semi-annual tax settlements or when new tax money is available to finance the current operations of the government. The large balances have been present despite the fact that good budget procedure is lacking and despite the condition that the power to determine appropriations is not well centralized.

The report recommends amendment of existing laws to provide for:

1. A modern budget procedure for county government.
2. Centralization of power in the board of county commissioners to unify financial planning and to finally determine appropriations.
3. Elimination of many special funds through their consolidation with the general fund of the county.



John W. Smith, mayor of Detroit, recently appointed a committee of five bankers and business men to appraise the financial condition of Detroit and consider a ten-year program of financing permanent improvements. C. E. Rightor, chief accountant of the Detroit Bureau, is acting as secretary of the committee. Mayor Smith has also appointed a committee of engineers to study the question of sewage disposal, F. C. McMath, president of the Detroit Bureau, being a member.

Howard G. Fishack, formerly with the Detroit Bureau of Governmental Research, has become secretary of the Citizens' Association of Grosse Point, Michigan. This organization is the research agency for the township, which consists of four villages. A monthly publication, the *Grosse Pointe Civic News*, is the organ of the Association.



The Citizens' Research Institute of Canada, H. L. Brittain, director, is now busy obtaining and tabulating material for publication in the 1925 edition of its "Red Book." This book contains in short and concise form financial information relating to many rural and all urban municipalities in Canada over 400 population. It gives such information as "Assessed Value on Which Taxes Are Levied," "Total Taxes Levied," "Floating Debt," "Debenture Debt" (divided into its different parts, such as Schools, Local Improvements, Public Utilities, Population, etc.). The price is \$25.00 per copy.

This Red Book and a service on municipal bonds is supplied to bond houses, banks and large institutional investors. The work was undertaken at the suggestion of the Bond Dealers' Association of Canada.

The Red Book is a ready reference to the financial standing of any Canadian municipality, owing to the standards which are supplied for comparative purposes. As the 1925 issue will be the sixth edition, reference to its back issues shows in what financial direction any given municipality may be tending. It is thus of value to municipal administrators.

The by-products of the Red Book are also very valuable in that the Institute obtains from it reliable and up-to-date material on which many of its bulletins are based, and that the indirect moral influence on municipalities, who issue bonds through bond houses or sell bonds to investment houses, is very great. It was the latter consideration which really decided the Institute in taking up the work and which makes it a legitimate department of the Institute's work.



San Francisco, according to W. H. Nanry, director of the Bureau, is in great need of improved budget procedure. It seems that out of an annual expenditure of \$45,000,000, only \$27,000,000 is budgeted. Notwithstanding the eighteen years of education on municipal bud-

ets, there still seem to be some weak spots in this regard among the municipalities of this country.

Like many other cities, San Francisco has two pension funds for the police and fire departments, for which no reserves have been set up to meet the city's obligations. The pension roll each year is met principally by taxation. According to an actuarial estimate by the Governmental Research Bureau, the fire pension fund, to be sound financially, should have a reserve of \$14,000,000.

During the month of December, 1924, about 284 column inches, or over two pages of information on public questions, prepared and submitted by the San Francisco Bureau of Governmental Research, was carried by the local newspapers.

An interesting and useful assignment of the San Francisco Bureau was the compilation of data for a committee of the Community Chest, relative to the population and governmental costs of various cities, to determine San Francisco's proper share of national quota. This question of deciding the equitability of quotas assigned to cities by national organizations soliciting funds is troublesome and one in which bureaus may be of service to their communities.



Rochester, New York, has undertaken seriously the question of charter revision. It is likely that a new charter will embody the commission-manager plan of government and will be written by the Rochester Bureau. Steve Story and Weller of this organization visited a score of cities to study the merits of the various forms of government. Particular attention was given the strengths and weaknesses of the operation of the commission-manager plan.



Frank P. Cartwright, associated for a time with the Cleveland Bureau and with the Rochester Bureau, is with the United States department of commerce. While in Cleveland, he made a study and a report upon "Proposed Standard Plans for School Building Construction in Cleveland."



S. G. Lindholm and Fred Shelton, formerly with the New York Bureau, are connected with the Civic Development Department of the Chamber of Commerce of the United States.

Mr. Lindholm is engaged in following up the housing question.

The Civic Development Department has been giving special attention to city-county consolidation and is planning in the future to focus its efforts upon a study of municipal expenditures.



A Real Contribution to the valuable monograph series of the Institute of Government Research is a new book by Darrell Smith on the United States Employment Service.

E. Lewis Burnham, formerly of the staff of the Philadelphia Bureau, has been elected a trustee.



Data Wanted.—At the Boston meeting last November, the Conference asked the Secretary to prepare a list of the reports published during the past year by all the bureaus. A request for a list of such reports was sent to all the organizations, but to date only two have responded. Will the bureaus please send such list to the Secretary?

# ITEMS ON MUNICIPAL ENGINEERING

EDITED BY WILLIAM A. BASSETT

## Kentucky Court Limits Highway Contracts.—

A decision of considerable importance, affecting the execution of an extensive highway improvement program, was recently given by the Kentucky supreme court in the case of *Billeter and Wiley v. State Highway Commission*, 261 S. W. 855. The court held that the state highway commission could not let contracts for highway improvements, covering a period of years, even though the expenditures required for any one year did not exceed the appropriation for that year, that such contracts might be let each year only to the extent that there was an appropriation therefor and that the commission or in fact the legislature itself could not bind future legislatures with respect to appropriations for highway improvements by letting such contracts in advance.

Any extensive highway construction program will almost always extend over a period of years and frequently it is not possible to complete, during the construction season of any one year, an important stretch of highway. Continuity of method in proceeding with such work is as desirable as continuity of administrative control over its execution. Experience has shown the value of awarding to a single reputable contractor contracts for work that may extend over more than one year. If the principle enunciated by the Kentucky court had universal application, it would undoubtedly seriously hamper highway departments in the effective handling of their work. Also, it would almost inevitably result in increased cost of such work. Undoubtedly the decision of the Kentucky court is sound law. However, in view of its far-reaching influence on economical highway administration within that state, it would seem highly desirable either to enact remedial legislation or take such other action as may be necessary to remove the serious restrictions under which the state highway department is forced to operate.



**Economic Utilization of Sewage Sludge.—**Daily production of about 100 tons of fertilizer material is anticipated from the operation of a large activated sludge sewage disposal plant at

present under construction for the city of Milwaukee, Wisconsin. In this plant the suspended and colloidal solids from Milwaukee county's sanitary sewage and industrial wastes will be converted into a dry, brownish-black granular material valuable chiefly as a source of nitrogen in organic form for fertilizer purposes. All of the finished product will have passed an eight-mesh screen in which condition it will be suitable for mixing with other ingredients by fertilizer mixers and manufacturers. Chemically the sludge will be practically uniform in composition at all times.

According to V. H. Kadish, assistant to chief engineer, Milwaukee Sewerage Commission, it is planned, for the first time in the history of sewage disposal, to produce on a large scale a fertilizer material in such attractive form that it will find ready sale at a price at least equal to the cost of production. With large scale production looming, it was decided to attempt the development of a broad market by means of scientifically conducted experiments in the field in comparison with those commercial fertilizers commonly used. Consequently, the sewerage commission in February, 1923, established a fellowship in the college of agriculture, University of Wisconsin, as a first step in this plan.

Through the work of O. J. Noer, fellow, under the direction of Professor E. Truog of the department of soils, it was found, in 1923, when using Ottawa quartz sand cultures in greenhouse experiments, that oats and corn utilized 40 per cent of the nitrogen of activated sludge during a period of 60 days. In field trials activated sludge proved to be well adapted to use on golf courses in connection with top dressing materials for putting greens; also as a source of nitrogen in lawn fertilizers; and in mixtures for field crops having a relatively long growing season such as corn and potatoes.



**Additional Safety Regulations For Motor Buses in New York State.—**The operation of motor buses throughout New York state, outside of New York city, will be further safeguarded as the result of an order issued by the public service

commission taking effect January 1, 1925. This order provides that:

1. Each bus operated shall be so equipped that the gasoline tank shall be outside the bus body and the tank must be filled with gasoline from the outside of the bus.
2. Each bus must be provided with an emergency exit to be used in case of an accident or fire. This requirement applies only to buses having one entrance or exit, the additional exit to be so constructed that it cannot be opened accidentally.

That there is marked need for a similar regulation in New York city was demonstrated by an accident which occurred on November 5, seriously injuring twelve people. A sixteen-passenger bus filled with passengers and operated under the direction of the department of plant and structures of the city of New York, took fire.

The bus had stopped at a filling station for gasoline. As the tank was being filled either the hose nozzle slipped or the tank overflowed. The result was that gasoline on the floor became ignited and the front part of the bus burst into flame, blocking the service door. As the rear emergency door was inoperative, being bolted shut, the passengers were trapped until released by filling station employees and firemen from an engine house directly across the street. The transit commission, after an investigation of the accident, held that:

The bus was of a very light, cheap type, altogether unsuitable for city transportation. Investigation showed it had a very narrow service door and a gasoline tank under the front cowl. To fill the tank it was necessary to put the gasoline hose through this front door and the body of the car. Such a location for a gasoline tank is manifestly a constant menace.

The bus had a rear door; but it was clear that this door had been nailed shut. The bolts and lag screws in and around the door frame could still be seen. The bus should never have been permitted on the streets. It would seem that the need of two elementary precautions would have been apparent: first, no gasoline tank should have been permitted, as this one was, inside the car; second, the rear door should always be kept in shape for emergency use.

State and municipal officials throughout the country can well be guided by the action of the New York state public service commission in taking steps to prevent the occurrence of a similar disaster.

#### Personal Liability for Preventable Fires.—

Holding individuals who are responsible for conditions causing preventable fires liable for resulting loss and damage has been in force in European cities for many years. The soundness of this doctrine is unquestioned, but it is only comparatively recent that the principle involved has been applied in this country. It is encouraging to note that the application of methods of legal persuasion to the reduction of our serious annual fire loss is beginning to find public favor. Interesting comment on this subject was made by Mr. Franklin H. Wentworth, secretary, National Fire Protection Association, before the last convention of the American Water Works Association, from which the following quotation is made:

If in France you should have had a fire and it got outside your premises and damaged your neighbor's property, you would have to pay your neighbor's loss. This is very educative. In some of the cities of Germany, the first person who calls to offer his condolence after you have a fire is the policeman, who locks you up, and you go before a jury next day and have to prove that that there is no way in which you might have prevented that fire. If you cannot prove it, you have to bear the loss yourself and pay the city for the luxury of the unnecessary use of the fire department. That seems tremendously radical to the minds of our heedless citizens, and yet do you know that idea is gaining ground in America? Pennsylvania a few years ago passed a state law that in cities of the second class, if a man disobeys a fire prevention order, he shall be liable in a suit by the city for the cost of extinguishing the fire. In certain cities of the West they have not waited for state laws. Cincinnati, Cleveland; Portland, Oregon; Austin, Texas; Newark, N. J., and a lot of cities scattered over the United States have embodied that idea in a local ordinance. In Cleveland if you get a clean-up order or an order for a fire door, or anything of that sort from the fire department, you will find on the back of the order a copy of this ordinance, and if you do not comply you are liable to the city in a suit; and even in the charter of Greater New York there is such a provision. How it got in there, no one knows, but when this charter was drawn, someone wrote that provision into it; and there it lay all those years until Mayor Mitchell came in. Mayor Mitchell had a chief of his fire prevention bureau named Adamson, from Atlanta, Georgia. Mr. Adamson did the unheard-of thing for an American city official; he read the charter of the city he was going to serve, and he detected this provision in the charter. He watched the fires for a few weeks, and he found that a cemetery company down in lower Manhattan had a fire in a four- or five-story building full of caskets and excelsior and stuff that made a bad fire. It was expensive to extinguish and took lots of water; some of the firemen were hurt, and some were overcome by smoke and were sent to

the hospital, and it cost the city about \$2,500 or \$3,000 to extinguish that fire. Mr. Adamson found that about two years before the company had received an order to install automatic sprinklers in their building, and he went to the company and showed them their liability. Did they offer to pay? No, they argued the matter. They said, "Why should we pay for the expense of extinguishing this fire? We did not set the fire; it was an act of God. We pay our taxes to support the New York fire department; why should we be assessed to pay for this fire?" The commissioner said, "Here is a provision of the charter, here is a copy of the order that was given by our department to you two years ago, and here are the results of the fire. You are clearly liable." They refused to admit their liability; the commissioner brought suit, and the lower court, showing the psychology of our Americans, threw the case out. The commissioner lost his suit, in spite of that clear evidence, through sympathy. We regard the man who has a fire—no matter if his carelessness is responsible for it—we regard that man with sympathy instead of accusing him from the European point of view as a public offender. But the commissioner was bound he would win his case if possible. So he took it to the superior court, and the superior court, being made up of superior men, as they sometimes are, reversed the decision of the lower court and gave the commissioner damages. He compromised the suit for about \$1,500, and the cemetery company paid it. A week or two after that a film corporation had a fire; they found that they too had had an order six months before, and their manager went down to City Hall and said, "How much is it, please!" I believe the amount was \$750.

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**Commendable Features in Philadelphia's System of Plumbing Regulation.**—Regulating the installation of plumbing fixtures with regard to type and location, and enforcing compliance with certain minimum requirements governing the extent of such facilities required for different classes of building occupancy are among the functions exercised by city governments in connection with the larger problem of regulating private building construction and occupancy. Formerly plumbing regulation was considered merely as a health measure and ordinarily was under the jurisdiction of the local health board. During recent years, however, it has been recognized that plumbing regulation is more directly concerned with promoting suitable sanitary housing conditions than strict protection of public health. Also the enforcement of reasonable plumbing requirements has an important bearing on the cost of building construction. The latter phase of the problem has been made the subject of an exhaustive investigation by a committee appointed by Secretary Hoover of the

United States department of commerce. One of the reasons for undertaking this work was the widely varying practice followed by different cities throughout the country both in respect to standards employed and administrative procedure followed. Naturally local conditions will influence to some extent the practice to be followed, but the standards employed by certain cities have demonstrated their suitability for, practically universal application. The practice followed by the city of Philadelphia in respect to this matter is an example. The essential features are outlined by Mr. George H. Shaw, chief, division of housing and sanitation of that city, as follows:

Philadelphia requires the registration of master and journeyman plumbers. Applicants are examined by a board of examiners, upon payment of a five-dollar examination fee, and if a thorough knowledge of plumbing is shown, a certificate, for which no charge is made, is issued. All plumbers who have successfully passed the examination are required to register yearly for which a charge of one dollar is made. It often happens that an out-of-town plumber has work within the city limits, and in such cases, if he holds a license or certificate granted by any first-, second- or third-class city of Pennsylvania, to engage in or work at the business of plumbing or house drainage, he may be registered for the work that he has at time of registry. The procedure for all plumbing work performed in this city includes the following:

1. The filing of plan for proposed work by the owner's plumber.
2. Examination of plan by plan-examiner to see that it is in accordance with plumbing regulations.
3. Issuance of a permit—the charge is one dollar for an installation up to and including seven fixtures; twenty-five cents for each additional fixture.
4. Inspection of all stages of work during its installation.
5. Certificate of final inspection issued to owner and plumber.

Back venting is a subject on which there has been a great deal of discussion and on which much expense has been needlessly incurred. The Philadelphia requirements do not compel a multiplicity of unnecessary venting. The circuit or loop system used permits adequate venting of fixtures without the needless expense of un-

necessary vent piping. This is a matter of greatest importance in the present housing situation. The regulations provide for the use of Philadelphia standard medium-weight cast iron pipe which, in the case of 4" pipe, which is the size most used, weighs nine pounds per foot. This weight of pipe has been found wholly satisfactory and effects a considerable saving over the extra heavy pipe weighing thirteen pounds per foot, which some regulations require. Both of these requirements have been found to meet adequately the requirement of good plumbing, without adding a needless percentage to the already high cost of the plumbing in a house.

A separate and individual connection to the sewer for each house and a main trap on the house drain are required. Difficult plumbing problems

very frequently encountered are due to the installation many years ago of joint drainage systems. These old drains are often uncovered in excavating for new buildings, and the owners of houses connected to them are usually very loth to abandon the old drain and connect to the public sewer fronting the property, sometimes making it necessary to take drastic action to compel connection to the sewer.

Flush valves for supplying water to toilets are used only to a very limited extent in this city. The regulations, however, permit their use if the water to operate the valve is supplied from a suitable gravity tank or other suitable pressure or storage system, so that there may be no failure of the valve to operate properly due to inadequate pressure.

## NOTES AND EVENTS

**The Merit System in Cleveland.**—Cleveland is disturbed over the operation of the civil service provisions of its new city manager charter owing to the personnel of the commission. There were two hold-overs in January, one of whom is a close friend of the former mayor and governor, Harry L. Davis, and the new member appointed by the council in January is former Mayor W. S. Fitzgerald, chairman of the Republican Executive Committee of Cuyahoga county.

The commission has recently appointed a Captain Jeffrey, as secretary, a man who was treasurer under Mayor Harry L. Davis, and one of his staunch political supporters. The Citizens' League and members of the city council have criticized the council and the commission for making political appointments.

City Manager Hopkins, however, has resisted pressure to dismiss employees and fill their places with friends of the councilmen, and has generally supported the merit system in original appointments.

The council has, at the earnest request of the Citizens' League, appropriated funds for a complete reclassification of positions in the civil service, and the commission is now arranging for this work.

Dr. A. R. Hatton, author of the charter and a member of the city council, has announced that a charter amendment will be submitted to the voters in November changing the three-membered commission to a single administrative head, who will be appointed by the city manager. He says that this would have been provided for when the charter was adopted, had it not been for the fact that they wanted to avoid the opposition which would have been made to such provision.

The voters of Cleveland, whenever the issue has been before them, have overwhelmingly voted for the merit system.



**Homes Protected Against Undertaking Establishments.**—The supreme court of Kansas in the case of *Leland vs. Turner*, 117 Kansas 294, has held that private citizens who own and occupy homes in a residence section of a city, having interests so different in character as well

as in degree from the general public in the threatening of impending intrusion of an undertaking establishment in close proximity, that they may maintain an action to enjoin such establishment as a nuisance. The following findings or conclusions of trial court were upheld: "That while an undertaking establishment of the character proposed to be operated by the defendants is not a nuisance *per se*, its maintenance at the intersection of two principal residence streets in a residence district of the city is a nuisance to owners of nearby property whose property will be reduced in value by the maintenance and conduct of such business, and whose comfort, repose and enjoyment of their homes will be materially diminished by the mental depression and distress caused by the constant going and coming of hearses, the not infrequent taking in and out of dead bodies, the frequent funerals, thoughts of the unknown dead in the morgue, the thought of autopsy, embalming and other matters commonly associated in the mind of the average person with a morgue, including a conspicuous sign, to the extent that one's power of resistance to disease is lowered by mental depression and distress, renders such persons, including the plaintiffs, more susceptible to disease and deprives the plaintiffs and their homes of the comfort, repose and enjoyment to which they are entitled, and that by reason of the foregoing the plaintiffs are entitled to a permanent injunction."

The supreme court added, in granting a perpetual injunction: "Persons subject to such constantly recurring incidents and dismal circumstances could not enjoy their homes in peace and quietude; the laughter and playing of children about their own door yards would seem heathenish and unfeeling in such a dismal environment. Social and family gatherings in residences so placed would be a caricature of happiness and enjoyment."

This finding is in conflict with that in the case of *Westcott vs. Middleton*, 43 N. J. Equity 478, where it was held that to constitute a nuisance the injury must be physical as distinguished from one purely imaginative, but is in conformity with *Tureman vs. Kettlim* (Missouri) 263 S. W. 202. The principle established by this case seems to be that funeral homes can be enjoined

where located or proposed to be located in residence districts by action of local residents where the city would have no right of action as a collective expression of the wishes of the citizens.

HARVEY WALKER.

University of Kansas.

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**Tri-State Water Treaty Signed.**—The utilization of the waters of the Delaware River and its watershed for water supply purposes, and the development of hydro-electric power is made possible under the terms of a tri-state treaty between New York, New Jersey and Pennsylvania, the approval of which by the legislatures of those states is now pending. The development of inter-state water supplies presents an extremely difficult problem at best and one that no state can solve alone on account of the varying rights of property owners and other interests. Fortunately, while in general prohibiting treaties between states, the Constitution of the United States makes an exception in the case of water supply matters, and permits two or more states to enter into agreements for the development of such supply, subject only to the approval of congress.

If this treaty is approved it will enable the public of the three states concerned to participate mutually in the use of water supply developed from a watershed comprising more than 10,000 square miles of mountain, forest and stream. At the outset it will benefit a population of over 10,000,000, and solve the problem of furnishing a needed additional source of supply for New York City, Philadelphia and North Jersey metropolitan district for an indefinite period in the future.

The development of the upper reaches of the Delaware River should facilitate the carrying out of a number of hydro-electric projects that may mean substantially cheaper power for the section of the country tributary to this stream. Such work might be of value to navigation, and carried on as proposed in connection with the well-formulated program of forest conservation, should prove of material public advantage.

An important feature in the provisions of the treaty is concerned with the sanitary protection of the Delaware River and its watershed.

A necessary requirement for a treaty of this kind should be flexibility in its operation to meet the widely varying conditions and prob-

lems that almost invariably arise in connection with extensive development work.

The Delaware treaty provides for establishing a permanent tri-state commission with large powers of administration and license, and extensive possibilities of investigation. The consent of at least two of the states acting through their representatives on the commission is required before any part of the water of the river can be utilized. Provision is made that only flood waters may be diverted, that proportionate use be preserved for each of the states, and that purity of the water must be maintained. The text of the treaty conforms to recognized standards of engineering requirements. It should prove to be an extremely useful and valuable instrument and it is deserving of public support and approval.

WILLIAM A. BASSETT.

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#### CITY MANAGER NOTES

**Minneapolis, Minnesota.**—The citizens representative charter committee adopted, with the exception of one section, a proposed charter drafted by Prof. A. R. Hatton, that would give Minneapolis an entirely reorganized government under the city manager plan. Virtually bringing to a close its work of more than two years, the committee immediately made plans to reorganize as a campaign body to present the new charter for final decision by the voters in the municipal election in June, 1925. The section on which the committee failed to reach an agreement was the one concerning ward boundaries.

**Chattanooga, Tennessee.**—Members of the Hamilton County delegation, representing largely the city of Chattanooga, are discussing the advisability of introducing and presenting a measure in the legislature which would submit to a vote of the people at the regular election in August, 1926, the city manager plan of government.

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**Camden, New Jersey.**—Senator Albert F. Woodward has prepared an amendment to the city manager act which he will introduce in the legislature in an attempt to change the present law to provide that a change may be made from the commission to the city manager plan after a two-year trial of the former instead of the four-year trial as is now provided.

**Knoxville, Tennessee.**—"Twenty-four proposed amendments to the city charter were agreed upon at a conference of the city council of Knoxville, and the legislative assembly will be asked to make the changes so that the council may better manage the affairs of the city. The changes include, among others, alterations in the civil service provisions.

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**Port Arthur, Texas.**—When the returns of the election for a charter revision committee, and a straw vote on the city manager plan of government, were officially canvassed, it was found that the present commission form had won over the city manager form by a majority of 357 out of a total of 2,871. The commission which was elected at that time to draft a new charter will proceed under their instructions.

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**Indianapolis, Indiana.**—"The ridiculous efforts of factions and politicians to control the council of this city for campaign purposes is likely to invite consideration of other forms of city government to which we may be driven," says the *Indianapolis News* editorially under date of January 7, stating that they believe that the commission-manager form of government is preferable to any others which might be adopted.

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**Toledo, Ohio.**—At the request of the city commission, the publicity and efficiency bureau of the city of Toledo has compiled information on the city manager plan of government, and, while not attempting to recommend officially that this plan be adopted, reports that a definite movement has taken form during the last year among the large cities in the country to remold their municipal governments after the pattern of mercantile and industrial establishments. The adoption of the plan by Cincinnati and Cleveland has evidently brought the proposition to the attention of the city fathers of Toledo.

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**Yonkers, New York.**—Great progress is being made by those interested in securing the city manager plan of government for this city, and the endorsement of a large number of the city's influential organization has already been secured.

An extensive publicity campaign is being carried on in the city's three daily papers.

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**Bridgewater, N. S.**—Mr. Cecil McDougall has just been appointed town manager and town clerk of Bridgewater. This is the fourth appointment in Nova Scotia since May, 1923, when Wolfville appointed Mr. G. S. Stairs as town manager.

JOHN G. STUTZ.

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**Cleveland Expenditures Under City Manager Government—First Year's Experience.**—When Cleveland's expenditure for the first year under the new city manager form of government was shown to be \$1,868,000 more from the general fund than it was in 1923 (and by general fund is meant all expenditures except for public utilities), many were inclined to question whether this form is, after all, as efficient and economical an instrument as its advocates claim. The enemies, of course, point to the fact that City Manager Hopkins, after spending so much more than did his predecessor Mayor Fred Kohler, closed the year with an actual surplus of only \$528,000 as against Mayor Kohler's surplus of \$1,523,000.

If the object of municipal administration is to spend the least possible sum of money, then the critics are right; but if the primary purpose is service, then the added expenditures under the city manager are easily explained and fully justified.

When the new city manager took hold of the administration, he found the departments seriously under-manned and the employes very poorly paid. Mayor Kohler had slashed salaries and abolished positions without much regard to its general effect on the service. He had seriously neglected the upkeep of city property; the parks were in a deplorable condition; the trees were covered with infection; the engineering staff was so reduced that supervision over new street paving, the one kind of improvements which Mr. Kohler emphasized, was entirely inadequate to insure good work; sewer construction received little attention during the two years; municipal equipment of many kinds had sadly deteriorated; and city property was generally in a run-down condition. This condition was produced not alone by Mr. Kohler's desire for economy, but also because of the

inefficiency of two or three prior administrations and the serious handicap placed upon the municipalities of the state by the Smith tax law.

So the new city manager had not only the pressing and routine work to do, but he had the added task of repairing neglected property and spending large sums to prevent further and expensive deterioration. For example, he had to spend in the neighborhood of \$125,000 in putting the lake front park in even a presentable shape. The new auditorium and the city hall required landscape gardening about them in order to give them a proper setting on the Mall. The trees, roads, grass, and flowers in the parks had to be renewed and replenished; bridges required painting; new roofs were necessary on city buildings; and a general spring cleaning had to be inaugurated. All of this work cost money.

Furthermore, the city manager has given special attention to clean streets this year. Mr. Kohler kept them in good shape, especially downtown, but the city manager has extended this better and more frequent service to all parts of the city.

All of this added expenditure by the city manager can easily be explained either in terms of added service, payment of old bills which were handed over from the year preceding, and money devoted to capital improvements. The entire balance of over \$1,500,000 which Mr. Kohler left has gone entirely to capital improvements and not in operation.

The voters and taxpayers of Cleveland know these facts and are not disturbed over these additional expenditures which are clearly indicated in improved service of every kind.

MAYO FESLER.



**The Voting Machine Fight in New York City.**—The fight is on to compel the introduction of voting machines in New York City. The first gun of the campaign was fired when Attorney-General Ottinger wrote a letter to the board of elections demanding that it obey the law calling for the mandatory use of such machines in first-class cities. The second came in the form of a report issued by the New York County Republican Committee, based on an exhaustive investigation into the merits of the machines, made by its recently organized Political Research Bureau, of which Congressman Ogden L. Mills is the chairman, and T. David Zukerman is director.

The report cites the efforts made to compel the adoption of voting machines in that city by legislation passed in 1921 and 1922, which provided for purchase and installation of the machines gradually during a three-year period, in order that the city might be completely equipped in time for the presidential election held last fall. Owing to the opposition of the local administration, authority for action passed into the hands of the secretary of state, at that time John J. Lyons, a Republican. Although the law authorized him to purchase the machines on behalf of the city, the manufacturers whose model he had chosen refused to make a contract. They did not wish to enter into the long litigation threatened by Mayor Hylan, Comptroller Craig, and the other members of the Board of Estimate, with consequent delay of payment for their product.

With the passing of control of the state senate into the hands of the Democrats in 1923, no further efforts were made to force the issue by legislative action. Neither did the then secretary of state attempt to enforce the law, which thus remained on the books a dead letter. Now, however, that both houses of the legislature are controlled by the Republicans, it is expected that the law will be amended and strengthened to give whatever additional powers may be necessary to enable Mrs. Knapp, the new secretary of state, to proceed with the installation of the machines. Attorney-General Ottinger has already indicated that the full power of his office would be used to back up her efforts.

It is pointed out that a device which has been in use in as many communities as is the voting machine for continuous periods as long as 20 or even 25 years must have definite advantages to offset the necessary outlays of considerable sums for equipment. The opinions of observers in all parts of the country are cited to show the satisfaction of both election officials and voters because of the many advantages which the machine has over paper ballots.

The voting machine, says the report, may be considered a political adding machine or cash register, supplying the mechanical accuracy, reliability and efficiency which is ordinarily secured from its commercial prototypes. It furnishes a rapid method of voting as well as of tabulating the ballots cast, at material savings in cost over the paper ballot method. To a large extent, likewise, it provides a remedy against dishonesty as well as the honest errors

which are due to fatigue and the human frailties and weaknesses which have made generally advisable the substitution of machines to guard against the failure of "the human element."

It is also claimed that, with the machines, there is no such loss of votes as results from defective, spoiled and doubtful paper ballots. On the contrary, every vote counts, because the voter is guarded automatically against such errors as make paper ballots defective or doubtful. The machines, while allowing all possible legal combinations, cannot be made to register more than the legal vote for each office. No make may be used that has not previously been certified by the secretary of state as being so constructed mechanically as to be in thorough conformance with the law.

That actual experience does not show any evidence of the successful practice of fraudulent methods with voting machines is insisted in the report. On the other hand, it is stated that both the construction and the provisions of the law for inspection and certification by the bi-partisan election board make them practically proof against manipulation.

The Democratic organization is prepared to fight to the finish the effort to force the voting machine upon New York City. Whether it feels that machine voting will discourage many of the faithful from appearing at the polls has not been disclosed by any published statement.



**Fight Against Encroachments Upon Home Rule in Oregon.**—During the latter part of January, representatives from twenty-five cities of Oregon came together at Portland and established the League of Oregon Cities. The immediate occasion for the meeting was an appeal from one of the small cities for assistance from her sister cities in preventing the legislature from putting through a general law designed to give to the state traffic officers control over traffic policing in the smaller cities. This situation arose from complaints of autoists that many of the towns were over-zealous in enforcing their traffic ordinances on speeding motorists. However, the larger cities, especially Portland, have for some time felt the need for such an organization to combat encroachments of the state on the powers of the cities.

Article XI of the Oregon constitution provides, by an amendment of 1906, that "the Legislative Assembly shall not enact, amend or repeal any

charter or act or incorporation for any municipality, city or town." The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the constitution and criminal laws of the state of Oregon."

This clause is the basis for what has commonly been presumed to amount to a grant of home rule. During recent years, however, the legislature, supported by the supreme court, has threatened to undermine the autonomy of the cities by the slightly indirect process of passing general laws, rather than specific amendatory acts, affecting the powers of municipalities.

For instance, the right of cities to levy license taxes on real estate brokers, insurance brokers and employment agencies within their limits has been abolished by general state laws held to be incompatible with the local ordinances. Further, the cities have been discriminated against in the division of the revenues from the auto license tax. The counties and the state share the proceeds between them, excluding the cities entirely. Portland, which has 596 miles of paved and macadam roadways, as against 352 miles in the county outside the city, feels this keenly.

One of the most striking limitations of the powers of the city of Portland is the Tax Supervising and Conservation Commission, established in 1921. The law was made applicable to all cities having 100,000 population or over, thus in effect singling out Portland for special legislation. The commission, appointed by the governor, has the power and duty to survey all the estimates of the city commissioners, and, in the words of the law, "the commission shall carefully consider the proposed budgets, approve, reject or reduce the same or any items therein, or, by unanimous vote of all the members of the commission, increase the same . . . upon the request in writing of the proper tax-levying board."

This discretionary power in the hands of the Tax Supervising Commission naturally is a source of friction, and, it is contended, leads to irresponsible government. In actual practice it allows the tax commission to pass upon matters of city policy, through its power of rejecting or reducing any items. In a small way this is illustrated by the refusal of the commission to grant the city's request, recently, for an added force of twenty-five policemen to combat the crime wave. There have been numerous com-

plaints over such matters as the reduction of salaries and the refusal of particular appropriations. The city commissioners, after having recently accepted the gift of two statues, were embarrassed by the disallowance at the hands of the Tax Supervising Commission, of an appropriation for providing bases for the statues. However, the tax commission has admittedly driven the city commissioners to more careful preparation of the budget, and no flagrant abuse of discretionary power has come to light.

Considerable furore now exists, particularly in Portland, over the so-called Banks bill before the legislature, which aims to deprive the cities of their discretionary power in revoking licenses to places of business. The bill provides an appeal in all such cases to the circuit court. The city authorities feel that this will materially handicap them in regulating or abolishing illicit places of business, and will add greatly to the expense of government.

The supreme court has, in a number of decisions, held that the constitutional provision granting home rule does not prevent the legislature from passing such general laws, even though they do in fact radically modify the powers of cities in matters of predominantly local interest.

The legislative committee of the League of Cities is endeavoring to secure the adoption of an amendment to the constitution which will further fortify the autonomy of the cities. The proposed amendment stipulates carefully that municipalities shall not be controlled by "general laws" in matters relating to "local, special and municipal legislation, and municipal affairs of every character in and for their respective municipalities." If the amendment were adopted it would then remain for the courts to determine whether or not particular laws came within the forbidden sphere of "local, special and municipal legislation."

G. B. NOBLE.

Reed College.

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**Report of Judge McAvoy on New York Transit.**—On February 9, Governor Smith of New York made public the report of Supreme Court Justice John V. McAvoy, appointed by him to report on the conduct of the New York City transit commission. Early last November the New York City board of estimate and apportionment, at the instigation of Mayor Hylan, preferred charges against the transit commission

to the governor, urging that the commission be removed because of failure to safeguard properly the lives and property of the people of New York. The report presented by Judge McAvoy contains twenty-one conclusions, as follows:

(1) The mayor and board of estimate are alone responsible for the delays in providing more transit facilities.

(2) The charges made against the transit commissioners by the board of estimate are without foundation.

(3) The power to alter existing contracts, without the consent of the city, should be taken from the transit commission.

(4) The Fourteenth Street-Eastern District subway should be completed with all possible speed.

(5) The Nassau Street subway should be built as soon as possible to improve the service on the Brooklyn-Manhattan Transit lines.

(6) The extension of the Queensboro subway, from the Grand Central Station to Eighth Avenue, should be completed as soon as possible.

(7) All the rapid transit shops, inspection sheds, and car storage yards should be placed in use as soon as reasonably possible, as the failure of the city to approve contracts for these structures has greatly hampered adequate service.

(8) More trains should be run during non-rush hours, and can be when shops, sheds, and yards are completed.

(9) All station platforms should be lengthened so as to permit the operation on all lines of the longest trains now in use.

(10) As a five-cent fare is compulsory on all existing rapid transit lines and on all new lines for the first three years of operation, no recommendation is made as to fares.

(11) Existing rapid transit tracks are being used to their full capacity during rush hours.

(12) The Washington Heights line and the Brooklyn Crosstown line should be constructed immediately.

(13) The existing west-side subway should be four-tracked from Ninety-Sixth Street to Dyckman Street, and provisions made to take the Bronx trains out of this subway south of Ninety-Sixth Street.

(14) A comprehensive plan for new transit lines should be adopted at once.

(15) The city's borrowing capacity should be increased by constitutional amendment so as to provide sufficient funds for new subway lines.

(16) Multiple door operation should be supplemented by more platform men and devices for announcing station names.

(17) Sanitary conditions should be improved along both subway and elevated lines, and better car lighting provided.

(18) The connection between the subway and elevated lines at 149th Street and Third Avenue should be made safer.

(19) The Ashland Place connection in Brook-

lyn should be constructed, and only steel cars should be used on the Fulton Street line and on the Center Street loop.

(20) The Staten Island tunnel should be constructed by the city for rapid transit service only, and all idea of freight service abandoned.

(21) Until the city's right to operate bus lines has been established, either by the courts or by new legislation, all existing illegal bus lines should be required to comply with the law as to franchises, certificates of convenience and necessity, and other requirements.

It is thus apparent that Judge McAvoy's report completely exonerates the transit commission from the charges made by Mayor Hylan, and places on the present city government the responsibility for all the transit delays and inadequate service. Naturally there is considerable speculation going on in New York as to the possible effect of the report on the coming mayoralty campaign.

On February 16, Governor Smith sent a special transit message to the legislature in which he completely endorsed the findings of his commissioner. While sustaining the transit commission, a body appointed by a Republican governor, against the charges of Mayor Hylan, he expresses the belief that it should be abolished since it creates an undesirable conflict of authority and responsibility with the locally appointed board of rapid transit. The board of estimate and apportionment was severely scored upon, what the governor terms, its persistent refusal to co-operate with the transit commission.

Both Governor Smith and Judge McAvoy are staunch, regular Democrats, and there is much speculation as to whether their attitude towards Mayor Hylan and the board of estimate presages a three-cornered mayoralty fight this fall.

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#### MR. ZOERCHER COMES BACK

*To the Editor, National Municipal Review.*

SIR:

In your February number of the NATIONAL MUNICIPAL REVIEW you have an editorial commenting on the Indiana situation wherein you say:

It may be doubted whether the plan increases the caution of local bodies in levying taxes. It passes the buck to the state agency when full responsibility belongs at home. It should be remembered that increases in taxes are felt at once and bring their own reward to the local

officials responsible for them. There is no good reason for violating an accepted principle of home rule and if Indiana had waited she would have seen the city councils and county boards reap the popular verdict. It might have been in favor of the increases, but there is no moral evil in higher taxes if the people who pay them believe they are desirable.

Your position may be correct in theory, but it is not practical. Why should the taxpayer not have a right to be relieved from excessive tax levies the same as from excessive bond issues? If the Indiana plan would only give relief from bond issues it would only partially solve the problem. You say that relief might be by having the city council or county boards reap the popular verdict. In other words, we would have to wait from two to three to four years until there might be a change in the officers before relief could be given. If the people could always elect officers who would be faithful to every public trust and would manage public affairs like their own private affairs, a regulation of this kind would not be necessary, but it is useless for you or anyone else to say that that kind of officers is always elected.

People are advocating new forms of government—commission form of government, commission-manager form of government—all these are attempts to secure better business methods in government. Take our recent experience in Sullivan county. The local officers published a budget and set out in detail the amount of money that was to be spent in the coming year, a total of which was \$152,000. Our law provides that taxpayers have a right to appear at a public hearing when this budget is reviewed and the levy is fixed. Taxpayers appeared and could not understand why there should be an increase in the county levy from thirty cents to forty-one cents on the hundred dollars. They had some doubt as to their own ability properly to analyze the matter and filed a petition asking that the same be reviewed by our board. At the hearing it was shown that when the tax levy was fixed an appropriation ordinance passed for the coming year instead of passing the ordinance and appropriating \$152,000 this was increased to \$159,000, and when the county attorney was asked when the taxpayer had notice of the increase he admitted that the taxpayer had no notice, and also admitted that the increase of \$7,000 was not the result of a casualty or accident. On a careful analysis of the budget and the financial condition of the county, it was shown that by

considering all the revenues including those other than taxes the tax levy proposed, together with the other receipts, would show a total income of \$190,000. The county board also attempted to double the gravel road repair fund when it was shown that the amount that was being collected was more than the average received in the state. Does the fact that ten or more taxpayers were given a right to appeal to this board and secure a proper analysis of the tax levy, was that such a violation of home rule that anyone desirous of securing the very best form of government for the protection of the taxpayer should oppose? Why should the taxpayer be helpless to relieve himself from this burden just because the officers elected, honest-meaning officers yet not understanding the real effects of a levy that they themselves proposed, did not understand the real effects of their own acts? The reduction of taxes in Sullivan county amounted to \$134,000, and yet it did not set aside a single item in the published budget. Every item therein was approved in the amounts therein set out, the only difference being that the taxpayers instead of paying \$190,000 will pay \$154,000. It is our contention that the collecting of more money than government economically administered warrants is wrong in principle, and any method that will prevent this should have the approval rather than the criticism of those who are favoring progress and the best form of government. I could give you other instances.

Center township in LaPorte county was proposing a sinking fund levy of twenty-four cents when at the hearing it was shown that the total indebtedness of the township was only \$5,500, with a balance at that time of \$6,200 in the sinking fund and the November installment still to be collected on the levy made the year previous. Was there any reason for that kind of a showing that that kind of a levy should

be made? Should the taxpayers of that township be compelled to pay that kind of tax just because the township advisory board and the township trustee fixed the levy, and should the taxpayers in that township not be given relief from such outrageous and foolish action of public officials?

You come out here and sit around the table with me, and I will show you innumerable instances of this kind. You write to Harry Miesse, Secretary of the Taxpayers' Association Hume Mansur Building, this city, and get from him the report of how his organization functioned in forty-five counties in this state where they were able to hold down tax levies for no other reason than that they notified the local officers unless proper consideration was given and the levies held within reason appeals would be taken to the State Board, and the mere fact that they had a right to appeal caused the officers to be more careful and pay some attention to the objection made by the taxpayers.

When I had the hearing in Carroll county in 1923, after it was shown that the county had a balance in its general fund sufficient to run them two and one-half years, the county commissioners said to me: "You don't know how glad we are that you came up here. We did not know that our county had such a large balance on hand."

The injunction of the Master: "Lead us not into temptation," applies to public officers, and large balances on hand are a continual temptation to the officers to spend more money than they should and deal justly with their constituents. If there is any further information you desire, let me hear from you.

Very truly yours,

PHILIP ZOERCHER,

*Commissioner.*

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